

June 30, 2009



TRANSCRIPT

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MONTGOMERY COUNTY COUNCIL

PRESENT

Councilmember Phil Andrews, President

Councilmember Roger Berliner, Vice President

Councilmember Marc Elrich

Councilmember Valerie Ervin

Councilmember Nancy Floreen

Councilmember Michael Knapp

Councilmember Nancy Navarro

Councilmember Duchy Trachtenberg

Councilmember George Leventhal

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1 COUNCIL PRESIDENT ANDREWS:

2 Good morning, everyone. Thank you for your patience. We are going to now begin our
3 meeting of the County Council. And we have a full agenda today and look forward to all
4 the speakers and discussion that we will have. We had a very interesting breakfast
5 meeting with Congressman Roscoe Bartlett, who represents a portion of Montgomery
6 County and basically the northern tier of Maryland, and we appreciate him joining us this
7 morning. The Council has met previously with Congressman Van Hollen, Congressman
8 Edwards, and Senator Cardin in recent weeks, and so we enjoyed our discussions and
9 want to continue working very closely with our federal representatives on a whole range of
10 issues that affect our county, and we thank the Congressman for joining us this morning.
11 We're going to begin with an invocation by Rabbi Greg Harris of congregation Beth El of
12 Bethesda. Rabbi Harris. Please stand with me.

13
14 RABBI GREG HARRIS:

15 Councilmembers, it's an honor to be here this morning as a board member of Interfaith
16 Works, one of the clergy of congregation Beth El in Bethesda, and a resident of this
17 wonderful county. This upcoming Shabbat, this Saturday, we celebrate our country's
18 independence. For the past 233 years, our country has been a beacon of the highest
19 values and principles of governance reliant on an active citizenry, freedom of expression,
20 and mutual respect. With these and other values, we have become an inspiration to
21 millions around the globe who dream of freedom. We have not always lived up to our own
22 expectations though, and when we fall short, it is the responsibility of courageous leaders
23 and citizens to hold us all accountable. Even with all of the successes, we are still
24 confronted by the daily challenges of, have we done enough for the needy? Have we
25 done enough to teach our children? Have we done enough to improve business
26 opportunities and improve the residents' quality of life? Have we done enough to inspire a
27 new generation to civic engagement and to see it as a high duty? Even though these are
28 lofty goals, in the words of the Talmud, "The task is great, the day is long, and the reward
29 is bountiful." I pray that those civic leaders in this room and beyond hold fast to the ideals
30 which first inspired them to stand up and serve. Further, I pray for the safety of all those
31 who protect our freedoms, those citizens of Montgomery County who serve in the armed
32 forces, law enforcement, and other areas of public safety. May the work of this governing
33 Council continue to embody the greatest values of our nation this day and each day to
34 come. Amen.

35
36 COUNCIL PRESIDENT ANDREWS:

37 Thank you, Rabbi Harris.

38
39 RABBI GREG HARRIS:

40 Thank you.

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1 COUNCIL PRESIDENT ANDREWS:

2 I want to acknowledge that we have our Fire Chief with us this morning, and Chief
3 Bowers, I want to offer on behalf of the County Council our condolences for the passing of
4 his mother. She was very proud, I'm sure, of the achievements of her children, and Chief
5 Bowers is an exemplary leader in Montgomery County, and we offer him our sincerest
6 condolences at this very difficult time, we know, for him and his family. I also want to note
7 that Dr. Harold Snyder died last week suddenly. Dr. Snyder was a leader of the
8 Commission for People with Disabilities in our County, an outstanding advocate who did a
9 great deal for the people of this County and whose leadership and legacy will endure
10 through all the policies and laws that have been changed in Montgomery County to make
11 this a County that is more welcoming and inclusive to people with disabilities. The County
12 Executive and the Council worked closely with the Commission over the years to do that,
13 and Dr. Snyder was an outstanding advocate, and his loss will be felt very sharply, and we
14 offer our condolences to his family and his friends at this time. We're now going to have a
15 presentation by Councilmember Ervin in recognition of Cheryl D. Pulliam, the principal at
16 Oakland Terrace Elementary School who is a recipient of the Washington Post 2008/2009
17 Distinguished Educational Leadership Award.

18
19 COUNCILMEMBER ERVIN:

20 Good morning. I'm very honored this morning to be able to present this very special
21 proclamation to a very special woman. Here in Montgomery County, as you all know,
22 we're very blessed to have one of the top school districts in the entire nation, and I'm
23 always very humbled by reading about some of the great leadership, the courageous
24 leadership of our principals across this district, and when I was reading about Cheryl
25 Pulliam, I was just amazed at what she's been able to accomplish at her school, so I'm
26 gonna read a little bit about her accomplishments as principal at Oakland Terrace
27 Elementary School. "Cheryl Pulliam, principal of Oakland Terrace Elementary School, has
28 been honored as this year's winner of the Washington Post Distinguished Educational
29 Leadership Award. When Pulliam first arrived at Oakland Terrace in 2002, she felt the
30 special education program was not adequately serving its students, so she initiated full-
31 inclusion classrooms, and data has since shown that this model has helped close the
32 achievement gap at Oakland Terrace. She also made a bold move to advance reading
33 comprehension performance for students in grades 3-5. The results were significant. In
34 grade 5, 61% of students performed on the advanced level of the Maryland School
35 Assessment--MSA--reading test, one of the largest grade 5 groups in the county
36 performing above the proficiency level. The school's growth and overall MSA scores is
37 also very impressive. In reading, the number of students scoring proficient rose, and this
38 is highly significant. It rose from 72.3% in 2004 to 92.6% in 2007. Math scores have also
39 soared, going from 58.5% proficient in 2004 to 91.3% proficient in 2007. The
40 Distinguished Educational Leadership Award is given annually by the Washington Post to
41 principals in the Washington area school districts who go beyond the day-to-day demands

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1 of their position to create an exceptional educational environment." And so I am so excited
2 to be able to present this proclamation on behalf of the County Council, which I will now
3 read to Ms. Pulliam. "Whereas the distinguished Educational Leadership Award is given
4 annually by the Washington Post to principals in Washington area school districts who go
5 beyond the day-to-day demands of their position to create an exceptional educational
6 environment. And whereas Cheryl D. Pulliam, principal of Oakland Terrace Elementary
7 School is this year's recipient of the prestigious 2008/2009 Distinguished Educational
8 Leadership Award, and whereas Mrs. Pulliam is a passionate and inspirational leader who
9 constantly encourages and staff to reach their highest potential as evidenced by the
10 number of students taking more rigorous coursework and in the number of teachers
11 seeking national board certification. And whereas Cheryl Pulliam leads by example and
12 inspires teachers to raise the bar, always understanding the individual needs of students
13 all the while encouraging their talents and self-esteem. And whereas Cheryl Pulliam's
14 leadership has taken a school with many challenges and made it a role model for the
15 Montgomery County Public School system, efforts in Elementary Education, and whereas
16 Cheryl Pulliam promotes excellence and exemplifies the characteristics of a leader who is
17 prepared to lead in the 21st century and whose impressive effort exemplify how
18 committed educational professionals can open the doors of success for the young people
19 of Montgomery County. Now therefore be it resolved that the County Council of
20 Montgomery County, Maryland, hereby congratulates Cheryl Pulliam on receiving the
21 Distinguished Educational Leadership Award and thanks her for her past, present, and
22 future work to light the lamp of learning for Montgomery County students presented on
23 this 30th day of June in the year 2009, signed by Council President Phil Andrews. Thank
24 you very much. I'm going to ask Cheryl to say a few words, and she's joined by her very
25 beautiful family, and the microphone is yours.

26
27 CHERYL PULLIAM:

28 Thanks. Wow, it's interesting when you hear yourself being described in so many different
29 ways, and it's interesting when you reflect on yourself and you don't realize day to day all
30 the different things that come about and the impact that you hopefully have on so many
31 others. I do first of all want to say thank you. Thank you to the Council as a whole. Thank
32 you. And if I'm not mistaken, Mr. Andrews, did you share with me that you are a graduate
33 of Oakland Terrace Elementary School?

34
35 COUNCIL PRESIDENT ANDREWS:

36 Well, I didn't graduate. I attended. And I surely couldn't make it through now. I was there
37 for third and fourth grade, my 2 best years.

38
39 CHERYL PULLIAM:

40 Alright, there you go. There you go.

41 Well, that makes a difference. We hope we did have an impact then.

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1
2 COUNCIL PRESIDENT ANDREWS:

3 I'm sure you did. Miss Laughton was my third grade teacher. She was great.
4

5 CHERYL PULLIAM:

6 Right. And certainly when I got the call from Ms. Ervin's office I was certainly thrilled to be
7 here. I certainly do want to say something just as a whole about Oakland Terrace
8 Elementary School, and certainly the wonderful community that I have. In 2001, I was the
9 intern there and was asked to become the principal there, and I described the school at
10 that time as the ideal place to be, and I meant that in so many ways because I really
11 believe that Oakland Terrace does represent the world as a whole. It represents what I
12 think our world is becoming in terms of not just the diversity, but socioeconomically as
13 well. We have everybody there, and socioeconomically you can't tell who's who, and that's
14 the part that I love about Oakland

15 Terrace. We all get along so well within the community, but we all work together, and a lot
16 of that certainly is built among appreciation for one another. We do have the courageous
17 conversations all the time. My staff typically calls me the preacher. I am usually preaching
18 about what I believe in, and certainly, you know, my staff has learned to do that in terms of
19 not being quiet and speaking up for all the things that we believe about children, and our
20 community is doing the same thing. I have the most phenomenal--and I mean this from
21 the bottom of my heart--phenomenal community who throughout the years have been so
22 supportive, and the one thing I think I'm most proud of is when I hear about the vertical
23 articulation to high school. When our parents--not just our students--but when our parents
24 arrive at high school, I'm so thrilled to always hear that a lot of the leadership has come
25 from Oakland Terrace, and I think that--we hope that we're starting that early on and that I
26 am indeed proud most of all of my babies. My children work very, very, very hard, and
27 they do want to please, and they do want to do the right thing, so as a whole, I want to say
28 thank you, and then I would be remiss if I did not say thank you to my husband. Years
29 ago, I never thought I could do this job, and certainly he was the one who pushed me and
30 challenged me wholeheartedly to say, "You know Cheryl, you can do it," you know, "you
31 got it in you," and he has supported me and stuck by me and listened to my frustrations
32 and all the celebrations as well, and he's always been there, so I want to say thank you.
33 Timaya has not been able to attend any of the award ceremonies, and so Tim said, you
34 know, this is one we need to take her to, so I'm happy that she's here today, too. This is
35 my 3-year-old. So thank you very much.
36

37 COUNCILMEMBER ERVIN:

38 Well, you can hear the passion in this very wonderful principal, and we're very happy to be
39 able to present her with this proclamation.
40

41 COUNCIL PRESIDENT ANDREWS:

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1 Thank you, Councilmember Ervin, for doing the honors, and thank you, Principal Pulliam,
2 for your outstanding work on behalf of the children of Montgomery County. We're now
3 gonna go on to general business and announcement of agenda and calendar changes.
4 Ms. Lauer.

5
6 LINDA LAUER:

7 Morning. There is a calendar change next Tuesday, July 7. There is a PHED Committee.
8 It will be meeting at 1:30. On the consent calendar today, we've deleted 2 items:
9 The introduction of a resolution to repeal the policy on parking at county libraries is
10 deleted as well as the introduction of a resolution to amend transportation fees, charges,
11 and fares. Deleted. One petition came in this week. It was from residents supporting full
12 funding of the library's budget. Thank you.

13
14 COUNCIL PRESIDENT ANDREWS:

15 Ok, thank you. Our next item is action on approval of minutes of May 7, June 11, and
16 June 16, 2009. Is there a motion for approval?

17
18 COUNCILMEMBER LEVENTHAL:

19 Let's approve the minutes.

20
21 COUNCIL PRESIDENT ANDREWS:

22 Councilmember Leventhal's motion to approve, seconded by Councilmember Knapp. All
23 those in favor of approval of those minutes please raise your hand. And that is
24 unanimous. Our next item is the consent calendar. Is there a motion to approve the
25 consent calendar? Councilmember Knapp moves to approve. Councilmember Leventhal
26 seconds it. I will note that we are making some appointments to our boards and
27 commissions today. We're confirming the Executive's appointments to the Commission for
28 Women of Leila Aridi Afas, Jaclyn R. Lichter, Manar S. Morales, Vanessa A. Atterbeary,
29 and Leticia Mederos, and to the Interagency Community Coordinating Board for
30 Community Use of Public Facilities, Henry Lee, and Steven D. Poor. So I want to thank all
31 those individuals for volunteering their time and talents to help us in these ways. Seeing
32 no comments on the consent calendar, all those in favor of the consent calendar, please
33 raise your hand. And that is unanimous, 9-0. All right, we're now gonna go on to item 3
34 which is the District Council session, and our first action item there, our only action item
35 actually there is Zoning Tax Amendment 09-02. Has that been--Special provision parcel
36 consolidation, and the PHED Committee is recommending approval. I'll turn to the Chair of
37 the PHED Committee, Councilmember Knapp.

38
39 COUNCILMEMBER KNAPP:

40 Thank you, Mr. President, appreciate it. This was a ZTA introduced by Councilmember
41 Berliner in response to a situation that presented itself in his district where I believe an

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1 individual's home had actually burned down, and as they were beginning to reconstruct
2 the burned down home, they recognized that because--when the lot was originally
3 identified, it was not recorded appropriately or was not recorded, and so they couldn't
4 consolidate the parcels appropriately nor could they actually rebuild the home, so I

5 think we think it's an important thing to make sure that people can actually rebuild the
6 homes that they have on the property that they own, and so the Committee very quickly
7 recognized the merits of this zoning text amendment and approved it 3-0. As you can look
8 on the Committee recommendation, the Committee stated that the current requirements
9 that a house be built on a recorded lot and a record plat must satisfy zoning ordinance
10 standards leaves some homeowners in an untenable situation. The committee agreed
11 with the amendment, the ZTA, to require documentation of a pre-existing house. The
12 Committee also agreed that ZTA 09-02 should be amended to prevent a property owner
13 from creating more than one lot. That is the Committee's report, and it was a unanimous
14 recommendation from the Committee.

15
16 COUNCIL PRESIDENT ANDREWS:

17 Thank you, Councilmember Knapp. Council Vice President Berliner.

18
19 COUNCIL VICE PRESIDENT BERLINER:

20 I just want to thank the PHED Committee for its expeditious treatment of this matter. I
21 want to thank staff for their good work with their respect to this. I want to thank Park and
22 Planning, who also unanimously supported this measure. It is an anomaly in our existing
23 law that has caused great hardship and is something that I think all of us feel...this is
24 something that we can fix, and so I'm grateful that we can be a responsible government
25 that does fix these kinds of anomalies.

26
27 COUNCIL PRESIDENT ANDREWS:

28 Thank you, Council Vice President. Are there any other comments on the ZTA? All right,
29 seeing none, we are then ready to vote on it, and I believe this is a role call vote, so the
30 clerk, please call the role.

31
32 CLERK:

33 Ms. Navarro?

34
35 COUNCILMEMBER NAVARRO:

36 Yes.

37
38 CLERK:

39 Mr. Elrich?

40
41 COUNCILMEMBER ELRICH:

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1 Yes.
2
3 CLERK:
4 Ms. Trachtenberg?
5
6 COUNCILMEMBER TRACHTENBERG:
7 Yes.
8
9 CLERK:
10 Ms. Floreen? Ms. Floreen?
11
12 COUNCILMEMBER FLOREEN:
13 Yes.
14
15 CLERK:
16 Mr. Leventhal?
17
18 COUNCILMEMBER LEVENTHAL:
19 Yes.
20
21 CLERK:
22 Ms. Ervin?
23
24 COUNCILMEMBER ERVIN:
25 Yes.
26
27 CLERK:
28 Mr. Knapp?
29
30 COUNCILMEMBER KNAPP:
31 Yes.
32
33 CLERK:
34 Mr. Berliner?
35
36 COUNCIL VICE PRESIDENT BERLINER:
37 Yes.
38
39 CLERK:
40 And Mr. Andrews?
41

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1 COUNCIL PRESIDENT ANDREWS:

2 Yes. The ZTA is approved 9-0. Thank you. All right, our next item is item 4 on the agenda,
3 which is Executive Regulation 20-08, Emergency Medical Service Transport Fee, also
4 known as the Ambulance Fee. The Public Safety Committee has a recommendation
5 which I will present as Chair of the Public Safety Committee. The Public Safety Committee
6 met yesterday morning--was that only yesterday? Seems like a few days ago--to address
7 this issue, and the Public Safety Committee is recommending--the vote was 2-1-- that the
8 Council reject the regulation, and I'll summarize the Committee's thinking on this. First, we
9 don't have an ambulance fee, so having a regulation about it, certainly premature at best.
10 And I think it is confusing to the public when you have a potential regulation out there that
11 is meant to implement something that does not exist. The Council has to take some kind
12 of action today on this because otherwise the regulation would go into effect automatically
13 because of the time that the Council has for consideration, and so the committee is
14 recommending that the regulation be rejected, and that in short is the summary of the
15 Committee's recommendation. Council Vice President Berliner and I supported that
16 position. Councilmember Elrich supported extending the time for consideration of the
17 regulation. And I'll see if there are any comments on the issue. So the Committee
18 recommendation is before the Council. Councilmember Leventhal.

19
20 COUNCILMEMBER LEVENTHAL:

21 Mr. President, thank you. I just saw a resolution which may be discussed later extending
22 the period of time available for the speed hump regulation. How does--What's the
23 difference between our ability to extend the period of time on speed humps vis-a-vis our
24 ability to extend the period of time on the ambulance fee regulation?

25
26 COUNCIL PRESIDENT ANDREWS:

27 The Council has both options. The Council can extend either or both.

28
29 COUNCILMEMBER LEVENTHAL:

30 I move that we extend the time available for us to consider the emergency medical
31 services fee for 6 months.

32
33 COUNCIL PRESIDENT ANDREWS:

34 Ok, it's been moved by Councilmember Leventhal and seconded by Councilmember
35 Elrich. Is there any discussion on the motion? Seeing none, all those in favor of the motion
36 to extend time for consideration. And did you have a date?

37
38 COUNCILMEMBER LEVENTHAL:

39 6 months from today.

40
41 COUNCIL PRESIDENT ANDREWS:

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1 Ok, all right. December 31, then. Ok, all those in favor of that, please raise your hand.
2 That's Councilmember Leventhal, Councilmember Knapp, Councilmember Floreen and
3 Councilmember Elrich. All opposed. Councilmember Navarro, Councilmember
4 Trachtenberg, and myself, Council Vice President Berliner, and Councilmember Ervin. So
5 motion fails 5-4. Ok, is there any discussion... additional discussion? Ok. All those in favor
6 of the Committee recommendation then to reject the emergency transport fee, please
7 raise your hand. And that is Councilmember Navarro,
8 Councilmember Trachtenberg, myself, Council Vice President Berliner, and
9 Councilmember Ervin. Opposed? Councilmember Elrich, Councilmember Knapp, and
10 Councilmember Leventhal. And Councilmember Floreen.

11
12 COUNCILMEMBER FLOREEN:

13 I'd like to be recorded as abstaining until this is before us without the legislation.
14

15 COUNCIL PRESIDENT ANDREWS:

16 Ok, all right, so the vote is 5-3-1 to reject the regulation, and we will now move on to item
17 5, which is Action, a supplemental appropriation of the County Government's FY09
18 Operating Budget. The Department of Police Motor Pool Fund Contribution Non-
19 Departmental Account. Actually, it has been amended now to \$1.9 million for the
20 expansion of the speed camera program, and the source is general funds. You should
21 have an addendum before you that reflects the Committee's decision yesterday. The
22 Committee met yesterday on this item as well. We had met last week on the speed
23 camera appropriation, and let me describe what this appropriation is all about. We have a
24 speed camera program in place which I believe is working very well. I'm a strong
25 supporter of speed cameras, as I believe the Council as a whole because they work. They
26 slow traffic down in areas where we have lots of pedestrians, and the program has been
27 well administered by our Department of Police and is changing driver behavior. People
28 are slowing down when they go through areas with speed cameras. The statistics show it.
29 Fatal collisions are down. Great numbers in reductions in the number of the people driving
30 more than 10 miles an hour in areas where we have speed cameras after they had been
31 put in. And they free up officers as well to focus on things that only officers can do, such
32 as investigating crime. I think they're very advantageous for a number of reasons in
33 addressing this very serious public safety problem of speeding in residential
34 neighborhoods and school zones that we, and I want to commend our Department of
35 Police for how they have implemented the program. Commander Didone was the first
36 officer to be put in charge of the program, and Captain Damskey is, I believe, doing an
37 excellent job as well in his current role of administering the program. The issue before us
38 is how much of an appropriation is needed in order to ensure that sufficient funds are
39 available to pay for the full expansion of the program that was approved in the budget.
40 The department is almost--is very close to if not completely implementing at this point the
41 number of fixed cameras, of 60 fixed cameras in 37 locations, I believe, and has 6 mobile

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1 vans as well. And the amount of money that was determined to be needed after additional
2 consultation by the Office of Management and Budget with Council staff was 1.9 million
3 roughly vs. 2.9 million which was originally requested, so if you look at the addendum to
4 item 5 in your packet, you'll see that the supplemental appropriation would be for 1.9
5 million. \$1,929,240 and 41,000 appropriated to the motor pool NDA for these purposes
6 and revised appropriations. Approved resolution's attached to that. So that is the
7 committee recommendation to approve that amount. We believe that that is the best
8 estimate of what is needed given the department's other funds to ensure that the money is
9 adequate to pay for the expansion of the program to the capacity that was approved in the
10 budget discussions for FY10. I'll see if there are any comments, and I'll actually-- I'll make
11 one other comment because I think it's germane to this and also to an item that will be
12 coming up, but I do want to say that I think it's important for the County to look at the issue
13 of controlling speed in a comprehensive way. Speed cameras are an important tool in the
14 arsenal. They are one of the tools we use. The County has employed speed humps as
15 well over the years and many other traffic calming devices and strategies, such as
16 chokers, signage, traditional radar and other flashing signs and other different methods to
17 address this serious issue. We will be discussing in a little bit a regulation on speed
18 humps that is before us. It's my intention that the Council take a comprehensive look at
19 how we address speeding. I think this is a good time to do it now that we have had a
20 speed camera program in place for 2 years and are looking at changes in the speed hump
21 program and perhaps other strategies as well to address this very serious problem, so I
22 think it does need to be looked at comprehensively, and my intention is to have a public
23 forum probably in September, working with our Office of Legislative Oversight, working
24 with the Executive branch, reaching out to the community to have a public forum on how
25 we can best employ these various speed control strategies to ensure we have safer
26 streets and safer conditions for pedestrians as well as for drivers in as many
27 neighborhoods as possible that...so we can achieve those conditions that allow our
28 residents to walk safely and to drive safely as well. So that is something that will be
29 coming to us this fall, and I think we'll inform our discussion a bit later on the speed humps
30 as well, but for the moment what's before us is the supplemental appropriation to the
31 FY09 operating budget to pay for the expansion of the speed camera program, 1.9 million
32 for that, and 40,000 for the motor pool. I'll turn to my colleagues for comment. Council
33 Vice President Berliner.

34
35 **COUNCIL VICE PRESIDENT BERLINER:**

36 Let me commend you, Council President, for taking the action you have with respect to
37 joining the conversation with respect to the alternative ways in which we can calm traffic
38 and make our streets safer. Neither of the particular devices before us and neither of the
39 particular measures before are extremely popular with large parts of our population. I
40 know my colleagues understand that from the conversations we've had about the speed
41 cameras and speed humps. Last night I had my own public forum. The first 4 questions all

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1 were about speed cameras. People are berserk about speed cameras, and I just scratch
2 my head. It always amazes me what gets people passionate, and this is one of those
3 issues in which people feel very passionate about it. And there's no question, they feel
4 very passionate about speed humps, too, so...and speed humps came of an era before
5 we had speed cameras, to there's no doubt in my mind that there may be situations where
6 people are asking for speed humps that perhaps speed cameras would be a suitable
7 substitute, and we have one process for looking at speed

8 cameras. We have another process for looking at speed humps. You need to satisfy
9 certain criteria for speed humps including that traffic is going too fast, including that it's too
10 fast, unsafe. Similar criteria for when you have a speed camera, so it seems to me that it
11 is time that we brought those conversations together before acting on the resolution that
12 the County Executive brought before us so that we can ensure that we are looking at this
13 comprehensively, and I commend you for doing so, and I don't-- I also commend you for
14 reducing what was an appropriation request for 2.9 million and thank staff for their
15 diligence to ensure that that which is before us this morning is 1.9 million, and I assume
16 staff is comfortable that that 1.9 million is in fact necessary. So I thank you, sir, for your
17 good work.

18
19 COUNCIL PRESIDENT ANDREWS:

20 Thank you, Vice President Berliner. Councilmember Knapp.

21
22 COUNCILMEMBER KNAPP:

23 Thank you, Mr. President. I appreciate the questions and comments of the Council Vice
24 President. I'm always intrigued when we get a supplemental appropriation of this
25 magnitude a week before the end of the fiscal year, and especially when I look at the chart
26 that Ms. McMillan put together which showed a surplus, which I assume the surplus in the
27 current program is the million dollars that we reduced the supplemental by. It showed a
28 surplus here of roughly a million dollars more than what was anticipated in the budget.

29
30 LINDA McMILLAN:

31 It's really a projected surplus throughout the whole department, but the appropriation can
32 be used to cover any of the costs, so it's not spec--This reduction is specific to relooking at
33 the number of citations, but the overall issue of how much appropriation is needed for the
34 department is also tied to their overall projection for where they'll end the year.

35
36 COUNCILMEMBER KNAPP:

37 So the 1.9 million--Let me just say this to be clear. Speed cameras, I like 'em, I think they
38 work, I think they're effective, so this is not a question about speed cameras I'm asking.
39 The question I have is this looks to me as though there's about a \$2 million appropriation
40 to the police budget to finish out their fiscal year '09.

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1 LINDA McMILLAN:

2 Yes. And it's tied to the additional number of citations they're expecting in fiscal year '09
3 based on the Executive's recommendation which the Council concurred with that you
4 wanted the expanded speed camera program up and running by the beginning of fiscal
5 '10, so it began during fiscal '09, so there were additional costs to the department.

6
7 COUNCILMEMBER KNAPP:

8 So that we assume a certain number of citations, therefore that translates into a certain
9 number of cameras, and in order to make that work, we had to get more cameras?

10
11 LINDA McMILLAN:

12 No. We--For '10.

13
14 COUNCILMEMBER KNAPP:

15 Right. Right, for '10.

16
17 LINDA McMILLAN:

18 Yes. Yes. We--yes. The Executive recommended that the number of cameras be
19 expanded for fiscal '10, and then in order to have them in place by fiscal '10, he would
20 begin the implementation in fiscal '09, and so there are additional citations issued over
21 what was assumed in the original fiscal '09 budget, and they have an expense attached to
22 them as well as a revenue.

23
24 COUNCILMEMBER KNAPP:

25 If we--so if we take the expenditure in this fiscal year to make sure the cameras we
26 anticipated being in place in the next fiscal year are actually in place, then presumably we
27 would have a less of an expenditure in the next fiscal year because we took care of it in
28 this fiscal year?

29
30 LINDA McMILLAN:

31 No, because the Executive assumed that they would be in place. So his expenses for '10
32 assumed both revenues and expenditures--

33
34 COUNCILMEMBER KNAPP:

35 So they anticipated they-- even though they sent over the budget with that, they expected
36 they would send over supplemental afterwards to cover that?

37
38 LINDA McMILLAN:

39 Yes, and in the Executive's--

40
41 COUNCILMEMBER KNAPP:

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1 Did that come up in the budget discussion?

2
3
4 LINDA McMILLAN:

5 Yes.

6
7 COUNCILMEMBER KNAPP:

8 Ok.

9
10 LINDA McMILLAN:

11 And the Executive's budget assumptions where he identifies pending supplementals in
12 terms of the end of year balance, he had reserved some funds in the pending
13 supplementals for this cost, and then also had identified additional revenues that would
14 come in from putting the cameras in place, and the revenues are in line with what was
15 expected.

16
17 COUNCILMEMBER KNAPP:

18 Ok, so the 1.9 million, if we do

19 the math, will actually equate to the number of speed cameras being put in place and the
20 cost associated? So if we asked OMB for that number to show how many cameras--how
21 much a camera cost, it'll add up to 1.9?

22
23 LINDA McMILLAN:

24 Right. And when the Executive originally sent over the fiscal '10 budget, he had assumed
25 a certain timeline for putting the additional cameras in place and had expected that there
26 would be about \$2.9 million in cost, but the actual timing was a couple months later in the
27 fiscal year, and so the cost is reduced, and that's why when we went back to look at the
28 projections, you could reduce from the 2.9 down to the 1.9.

29
30 COUNCILMEMBER KNAPP:

31 It's nice of you to do OMB's job for them. It's good that you're here today.

32
33 LINDA McMILLAN:

34 Well, they were very good at looking at the projections again.

35
36 COUNCILMEMBER KNAPP:

37 All right, I would like to just to get the math that backs that up at some point just to see
38 how many cameras and the cost of cameras and the total--ok. I appreciate that. Thank
39 you, Mr. President.

40
41 COUNCIL PRESIDENT ANDREWS:

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1 Ok. Thank you, Councilmember Knapp. Councilmember Elrich?

2
3 COUNCILMEMBER ELRICH:

4 I'm gonna vote for this resolution. I'm one of these people who hates speed cameras and
5 thinks they're great. There's this weird ambivalence about--I think all of us feel like we
6 know best what the speed limit on the road should be, and so resent having these devices
7 there. On the other hand, they do change our behavior. I think we need to make clear to
8 people--I think people have a fear that the camera's going to catch you going one mile
9 over the limit and that, you know, and how can I possibly constrain my car to one mile
10 over the limit? I must look very carefully at my speedometer because I'll get caught. The
11 fact is, our speed cameras allow you to speed. I think they allow you to speed 11 or 12
12 miles over the limit. And so my view is, if you can go 10 or 11, 12 miles over the speed
13 limit, you ought to be happy you're not getting a ticket. We're not telling you--you know,
14 we're clearly saying you don't have--points, yes. That's true. We're not saying that you
15 have to obey the speed limit, frankly. We're saying we're giving you a 10-mile margin of
16 error, if you want to call it error, to exceed the speed limit, and so people who act like this
17 is really, really constraining them, you ought to be happy. 10 miles is plenty. 35 in a 25
18 mile an hour zone is, you know, probably borderline unreasonable, if not outright
19 unreasonable. And I think that it's important to have this policy. I will say that while I
20 appreciate the Council President's interest in joining the debate or the issue of speed
21 bumps, speed humps and speed cameras serve very, very different purposes. They're not
22 a substitute for another. I'm not sure that a community forum in general about, you know,
23 policies on speed bumps and speed cameras is a substitute for community discussions in
24 the specific communities where these devices would be installed. And I think very much it
25 should be up to the neighborhoods to decide whether they think a speed camera or a
26 speed hump is the appropriate device for their community. I don't know that we're gonna
27 gain much by a general, broad discussion of the two other than hearing both people from
28 both camps come out and tell us en masse why they either hate them or love them. I think
29 we already know what that's gonna be. So I'm gonna vote also later to support the
30 proposed Executive regulations. And if we want to get into fine-tuning how we decide what
31 decision to make over applying these later on, I'm more than happy to do that.

32
33 COUNCIL PRESIDENT ANDREWS:

34 Thank you, Councilmember Elrich, and I think your point is well taken about the fact that
35 there's a 10-mile-an-hour grace period built into the speed camera so that no one is going
36 within 10 miles of the speed limit is receiving a citation, so there's a margin built in there,
37 and I think it's important for people to know that because, you know, sometimes you see
38 people slowing down to a level that's actually below the speed limit when people go
39 through speed cameras, and that's not the intention. And certainly there are differences
40 between speed humps and speed cameras and where they might be appropriate, but we
41 haven't really talked about how the advent of speed cameras may affect the speed hump

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1 program, and I think it is something that is worth talking about and hearing from. I think
2 we'll get some good ideas. Our Office of Legislative Oversight is in the process of
3 preparing a report, as required, that the Council must submit by the end of this year to the
4 General Assembly about the speed camera program, and I think it would be useful to
5 reach out and hear from the public that way. I'm sure it will be a spirited discussion. That's
6 fine. Welcome all points of view. We're a big County. We can hear from a lot of different
7 people, and people can respectfully disagree about many things including speed cameras
8 and speed humps, but I envision this taking place in the fall, probably late September, and
9 I think it will be a good opportunity for all of us to better understand how these 2 programs
10 and other traffic calming strategies can interact with each other, and so I think that it will
11 be productive. Councilmember Navarro is next.

12
13 COUNCILMEMBER NAVARRO:

14 Just a quick question. So when Mr. Knapp, Councilmember Knapp, asked about whether
15 the Executive had identified this as a supplemental--pending supplemental in the
16 proposed budget, was it specifically for 2.9? Was that specified?

17
18 LINDA McMILLAN:

19 Yes. That was in sort of a list that comes over with the-- how the calculations made for the
20 end-of-year balance that he's assuming for the beginning of '10, and he had assumed that
21 a 2.9 supplemental might be needed, up to that amount.

22
23 COUNCILMEMBER NAVARRO:

24 Ok, thank you.

25
26 COUNCIL PRESIDENT ANDREWS:

27 Ok. Thank you. I don't see any other comments at this point on the supplemental
28 appropriation, so all those in favor of the supplemental appropriation of 1.9 change for the
29 expansion of the speed camera program and the 40,000 for the motor pool non-
30 departmental account, please raise your hand. And that is Councilmember Navarro,
31 Councilmember Elrich, Councilmember Trachtenberg, Councilmember Floreen, myself,
32 Council Vice President Berliner, Councilmember Ervin, Councilmember Knapp, and
33 Councilmember Leventhal. It's unanimous. So that is 9-0. Thank you, everybody. All right,
34 our next item for discussion is item 6 on the agenda, which is Executive Regulation 32-08,
35 speed humps, and I will turn to the Chair of the Transportation and Infrastructure and
36 Environment Management Committee for her report of the Committee's recommendation.

37
38 COUNCILMEMBER FLOREEN:

39 Thank you very much. Mr. President, the Transportation and Environment Committee
40 recommended approval of the County Executive's executive regulations on speed humps.
41 We did not recommend any changes. I'm gonna ask Mr. Orlin to take us through the

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1 history on this, but I did want to make a comment. This is a follow-up from our work on the
2 road code. As you all may recall, we've been working on that for a number of years. A lot
3 of it is designed to make sure that our roads respect the communities in which they are
4 located. And as a result, we went through a number of conversations, and there's been a
5 lot of work done on what's the right lane width, how do you encourage mobility where you
6 want to encourage--where speed is ok, how you want to design roads where you really
7 don't want folks to go as fast as they would like to go because of the community
8 implications. And as I listen to everyone else's comments, I'm also looking at a letter that
9 could have been written by someone I'm related to with respect to the speed cameras on
10 Darnestown Road. And since my family is extremely aware of the speed camera situation
11 on Darnestown Road by

12 virtue of our mail, we have come to appreciate the perspective of drivers on Darnestown
13 Road who say when a road is designed to encourage speed, and you set a speed limit at
14 an extremely low level, maybe the speed limit needs to be re-examined. That's probably
15 exactly the opposite of the perspective of the residents in the area where these cameras
16 are located on Darnestown Road who are trying to preserve a community feel, protect
17 pedestrians, protect the quality

18 of life as they define it, and that is part of the inherent challenge in all of this. How do you
19 respect communities and how do you permit mobility, and how do you get everybody to go
20 along? As someone said to me recently on Connecticut Avenue, as you know, traffic
21 immediately slows as you go down Connecticut Avenue and pass by East West Highway.
22 Why is that? Because nearly everyone apparently has had some communication from the
23 town of Chevy Chase on the subject. That has actually speeded--moved traffic in a better
24 sense because the traffic flow is consistent, people aren't speeding up and then stopping
25 and becoming frustrated, and so it has incremental improvements in that sense as well.
26 So I'm not sure I know what the answer is, but I do think that community design goes to
27 the basis of how people travel and how they choose to put their foot on the accelerator or
28 not, and so the speed hump regulation is, as I said, a product of the road code work that
29 we did which was to encapsulize County policy so that people would appreciate the clear
30 rules as to how speed humps could be acquired in communities based on certain
31 circumstances. So, just wanted

32 to make that introductory comment, and Glenn, do you want to talk about some of the
33 specifics here and a little bit of the history on this?

34
35 GLENN ORLIN:

36 Sure. We've had a speed hump program in the County for about 15 years, ever since the
37 National--the Institute of Transportation Engineers at the national level instituted a
38 recommended practice for how they should be designed and where they should be put in,
39 and in the mid-90s, we had a very aggressive program for several years, for about 3 years
40 putting in speed humps. There was a large reaction to that from a lot of people. There was
41 a ballot initiative to take speed humps--to reject speed humps, put it on the charter that we

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1 could not have speed humps. That question never made it on the ballot, but it did result in
2 a yearlong moratorium on the program, and led by the Council, there were significant
3 changes made to the program which were initiated in 1998, which several things--It raised
4 the threshold for voter approval of these--required approval of these humps, it raised the
5 threshold for how much speeding had to be able to occur on these roads to be eligible for
6 humps. It actually lowered the size of the hump from 3 1/2 to 4 inches to 3 inches. It
7 changed the type of hump on what we call primary essential streets from parabolic, which
8 are the more severe speed humps, to flattops, the more gentle ones, and several other
9 changes too, which at that point was considered to be a more equilibrium between the
10 needs of folks living on the street and the traveling public generally. Two years ago in the
11 spring, you mentioned the Road Code Bill was passed. One of the things included in the
12 bill was the requirement that the Executive send over and Executive reg which would put
13 the policy that had been existing since 1998 in the form of a regulation. And merely the
14 purpose for that was a feeling that something as important as that ought to exist in law
15 somewhere as opposed to just strictly being a DOT policy. And so what the Executive did
16 was he did send over a reg in early February. I'd characterize it as 90-95% of what he
17 sent over was exactly the policy that's been in existence since 1998. However he did take
18 the opportunity to make a couple of changes to it which I could characterize as being
19 relatively small. One of which is to take the speed thresholds--there's a speed threshold
20 and a volume threshold for these residential streets, depending on whether it's a primary
21 or secondary street. You take the prevailing speed, and if it's the case of primary street,
22 the prevailing speed is 9 miles per hour more than the speed limit, and if the volume is
23 more than 100 vehicles per hour at the peak hour, then you could be eligible for speed
24 humps. The thought the Executive had was that there may be some
25 streets where the volume threshold isn't met--it may be less than 100 vehicles per hour--
26 but the speeding is even more than 9 miles per hour over the speed limit, so he's
27 introducing a sliding scale which would allow for every-- If you look at the prevailing
28 speed, if the prevailing speed is one mile per hour over that minimum of 9, then the
29 volume threshold would be 95 vehicles per hour, and it goes that way up to the point
30 where you could go to essentially 10 miles per hour over the 9 miles per hour, up to 19
31 miles per hour over and you'd only have to have a threshold of 50 of volume. Made a
32 similar kind of recommendation for secondary streets. And the other changes he made
33 were relatively small as well. One is that the current policy applies to primary streets and
34 secondary streets, but we have a few, literally a handful of what's called principal
35 secondary streets, which are in between primaries and secondaries, which didn't fall
36 under the policy but seemed like they should. And so the Executive's recommending using
37 the same volume and speed criteria as for primary residential streets, but to put--if it's met,
38 if the criteria met, to put the parabolic, or the shorter, humps on those streets, and for
39 tertiary streets and for alleys, essentially treat them like secondary streets. And finally his
40 other change he's recommended has to do with the voting rules. The current rules, which
41 were tightened considerably from what had happened before 1998, the current rules are

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1 that if you live on a street that's gonna be affected by the humps--Sorry. If you live on a
2 street where the humps are going to be put,
3 80% of the owners of those houses have to agree affirmatively to the hump-- humps
4 being put in. And in addition to that, if there's a cul-de-sac off of that very same street
5 where the only access for any trip one would make, the only access in and out of that cul-
6 de-sac is onto the street where speed humps is being considered, then you need 50%
7 approval from those folks as well. The problem that they've observed over time, and it
8 actually hasn't ever resulted in a problem--it was a very close call in one case--is that
9 there may be very, very few houses on these cul-de-sacs, and so as a result, the vote of 1
10 or 2 people can make a difference on the overall approval or disapproval of a hump in far
11 disproportion to what would happen on the main street, and the example, if you look in the
12 packet on circle...I'm sorry, circle 13, you'll see a few examples of votes like this. The
13 second-to-last row, Old Olney Road ????? in Olney, there were 116 residents on the main
14 street, and they got support from 93 people, which is 81.6%, more than the 80% that's
15 needed, but on the landlocked side street or cul-de-sac, there were only 3 houses, and
16 you needed to have 2 people vote for this hump. If only one had or none had, the whole
17 thing goes down. Well, as it turns out, 2 people did and 1 voted against. If one of those
18 people had voted the other way, than the will of the--the 93 people on the main street
19 would have been for it itself. What the Executive's recommending now is that for the side
20 street folks to have a vote that they actually as a population have to constitute at least
21 30% of the total number of people on the main street. So those are the Executive's
22 recommendations, as Ms. Floreen pointed out. Ms. Floreen and Mr. Leventhal have
23 recommended approval of the reg, and Mr. Berliner recommends not approving them, but
24 because-- not necessarily because of any of the points the Executive was making but he
25 recommends basically what Mr. Andrews is recommending, which is that there be a
26 community-wide discussion first about the speed hump program and particularly
27 the voting rules, I think, and before the Council acts on it.

28
29 COUNCILMEMBER FLOREEN:

30 So there you have it, how we define neighborhood democracy is always a challenging
31 effort, and the Committee didn't feel that changing the County Executive's efforts here
32 would resolve anything much, but at least we'd have written down what has been a policy
33 for 10 years, so there you have it, Mr. President.

34
35 COUNCIL PRESIDENT ANDREWS:

36 Thank you very much, Chair Floreen, and thank you, Dr. Orlin, for the explanation of the
37 proposed regulation. And so just to be very clear, the community forum that I envision
38 would be a broad look not limited to speed humps of how we address speeding issues in
39 our communities. I think that we want to really understand how the different strategies
40 interact and when we might want to look at revising the regulation in terms of procedures
41 and in those ways. I don't want to anticipate too much, but I do think the discussion should

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1 be broad. It would include speed humps but it would not be limited to speed humps. It
2 would certainly include any other speed control strategies that we employ or perhaps
3 should consider employing. Council Vice President Berliner.

4
5 COUNCIL VICE PRESIDENT BERLINER:

6 Thank you, Council President, and with that in mind, I do have a substitute for the
7 Committee's recommendation, which would simply extend the time for the Council to
8 consider the Executive regulations from June 30, which is why this item is on our agenda
9 today, to December 31. It is, as staff suggested, without asking any of us to pass
10 judgment on the merits of that which is before us, but simply to allow for that broader
11 conversation that perhaps can find a way to integrate speed cameras, other calming
12 measures, and speed humps and see whether or not the regulations that are before us in
13 fact represent the full universe of options that our citizens may want to consider when they
14 are trying to figure out how to keep their neighborhoods safe. So I would offer that as a
15 substitute with the understanding that, again, it is without prejudice to our Council taking
16 this matter up as it deems fit and no later than December 31.

17
18 COUNCIL PRESIDENT ANDREWS:

19 Thank you, Council Vice President Berliner. There is a written resolution. I think it's--had
20 people seen it, it would essentially just extend the time for consideration until December
21 31 on this regulation. And so that's been offered by Council Vice President Berliner as a
22 substitute motion. Is there a second? Seconded by Councilmember Trachtenberg. All
23 right, is there any discussion? Councilmember Knapp.

24
25 COUNCILMEMBER KNAPP:

26 Just a question. So as Dr. Orlin indicated at the outset of this discussion, we have been
27 doing what we've been doing for the last 10 or 11 years. This was a kind of attempt to
28 codify what has just been policy or practice. And so in the event that the Council passes
29 this resolution, what happens? Does policy and practice as has been the case continue on
30 until such time as we then do something differently?

31
32
33 GLENN ORLIN:

34 Sorry. You mean the extension resolution?

35
36 COUNCILMEMBER KNAPP:

37 Right. Yes.

38
39 GLENN ORLIN:

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1 Actually the question that comes to mind is whether--and since it is a DOT policy, if DOT
2 wants to make the changes that the Executive's now recommending, I suppose they could
3 do that starting now... even without it being in law.

4
5 COUNCILMEMBER KNAPP:

6 Ok, so we don't change any particular outcome. We just have yet--We just don't codify it
7 until we get that opportunity to have the broader discussion.

8
9 COUNCIL VICE PRESIDENT BERLINER:

10 Let me, if I could, observe that one of the reasons I feel strongly about this is that we have
11 not had, to the best of my knowledge, a public conversation with respect to this matter
12 since 1998, so it's been 11 years, and I would say to my colleagues, I don't anticipate it's
13 gonna be necessarily a pretty conversation, but there are a lots of conversations that we
14 have with our constituents that aren't necessarily pretty, and it is out job to hear it, and I
15 don't, again, it is without prejudice as to how we are to respond to the concerns that our
16 citizens share with us with respect to this program, but I do believe it is our responsibility
17 on a matter that people feel so passionate about to give them an opportunity to express
18 their thoughts with respect to this matter, so it is in that spirit that I have offered this
19 substitute motion.

20
21 COUNCIL PRESIDENT ANDREWS:

22 Ok. Thank you very much. I don't see any other comments at this point, so we're ready for
23 a vote on the substitute motion then. All those in favor of motion to extend the time for
24 consideration of the regulation until December 31, 2009, please raise your hand. And that
25 is Councilmember Navarro, Councilmember Trachtenberg, Councilmember Floreen,
26 myself, Council Vice President Berliner, Councilman Knapp, Councilmember Ervin,
27 Councilmember Leventhal. All opposed? Councilmember Elrich. So the vote is 8-1 to
28 extend the time. And, Councilmember Leventhal.

29
30 COUNCILMEMBER LEVENTHAL:

31 Point of personal privilege. I am going to be leaving Rockville to attend a meeting on
32 Council business for the rest of the day, and with no objection, I'd like to be recorded in
33 the affirmative on the votes that will occur this afternoon. The supplemental appropriation
34 regarding the urban area security initiative, the supplemental appropriation for
35 weatherization, and also I'd like to be recorded in the affirmative on bills 26-09 and
36 expedited bill 28-09 and expedited bill 25-09. I regret that I will miss this afternoon's public
37 hearing in person, but I will watch the tape. I'm especially interested in the testimony
38 regarding the Silver Spring urban revitalization plan, and I assure those witnesses that I
39 will be watching the tape, and I thank my colleagues.

40
41 COUNCIL PRESIDENT ANDREWS:

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1 You're welcome, and I don't see any objections, so we will record you in the affirmative.
2 Thank you, Councilmember Leventhal. We're going to take a brief recess until 11:00. We
3 have a briefing scheduled at 11:00 that is an update on base realignment and closure--
4 BRAC, as it's known. Implementation at the National Naval Medical Center in Bethesda.
5 We have some folks coming who are not here yet, and there's no reason they should be
6 here yet, since it's scheduled for 11:00, but we will take a break until 11:00 and be back
7 and have the briefing at that point. Thank you. Everybody here, though, at this point I want
8 to give everybody the chance to hear the discussion. Thank you.
9

10 COUNCIL PRESIDENT ANDREWS:

11 Ok, we are going to reconvene and begin our discussion and have an update. Excuse me,
12 everybody. All right, we're going to reconvene, and we're now going to have a briefing that
13 is an update on base realignment and closure implementation of the National Naval
14 Medical Center in Bethesda. We have set aside about an hour for the briefing and update,
15 and we have a number of guests as well as staff here to provide the update, and I'm going
16 to first ask our representatives who are at the table in front of us to introduce themselves.
17 This is televised, and people will be interested to match up the name and a face and a
18 title, so why don't we start to my right.
19

20 PHIL ALPERSON:

21 Phil Alperson, Montgomery County BRAC coordinator.
22

23 JOHN CARMAN:

24 John Carman, Chair of the BRAC Committee.
25

26 DOUG SIMMONS:

27 Doug Simmons, Deputy Administrator for Maryland State Highway Administration.
28

29 ROBIN McELHENNY-SMITH:

30 Robin McElhenny, Metro Station Area Planning.
31

32 ANDY SCOTT:

33 Andy Scott, Special Assistant to the Secretary of Transportation.
34

35 COUNCIL PRESIDENT ANDREWS:

36 Thank you all for being here, and let me first turn to Dr. Orlin and Marlene Michaelson, our
37 staff, to see if they have any opening comments they want to make about the issue, and I
38 will also ask if Councilmember Floreen, who chairs our Transportation Committee, would
39 like to make any opening comments. So I will first turn to Dr. Orlin, Marlene Michaelson.
40

41 GLENN ORLIN:

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1 We have no comments.

2
3 COUNCIL PRESIDENT ANDREWS:

4 No comments, ok. All right, that's fine. Councilmember Floreen.

5
6 COUNCILMEMBER FLOREEN:

7 Well, what we really need is a commitment from the federal government here to fund
8 transportation improvements necessary to support this very aggressive expansion, so
9 we're glad to have you here. We know the conversations are continuing, and we look
10 forward

11 to working with you. I don't have any comments at this stage. I have to say we will
12 continue to keep a very close eye on this. As everyone knows, the stretch in Front of
13 Walter Reed is one of our worst stretches in the County. The intersection improvements
14 contemplated here have significant impacts on residents in that area, and we're looking to
15 find a balance between transit accessibility and vehicular accessibility to serve both
16 Walter Reed and ideally NIH in the doing, so we appreciate this update, and we know
17 everyone is hard at work on this.

18
19 COUNCIL PRESIDENT ANDREWS:

20 Thank you, Councilmember Floreen. I also want to ask Council Vice President Berliner,
21 who is the district Councilmember for the area where the National Naval Medical Center is
22 located, if he would like to make any opening comments.

23
24 COUNCIL VICE PRESIDENT BERLINER:

25 Just a very brief observation. One, I'm grateful this panel is here before us. Needless to
26 say, it is an issue of utmost concern for people in district one, the community that
27 surrounds this facility that is very nervous with respect to the transportation nightmare that
28 they see unfolding, and with the greatest respect, very concerned about the proposals
29 they've seen from our state with respect to the 4 major intersection improvements that had
30 been contemplated at one point in time, which many believe takes failing intersections to
31 failing intersections in short order after spending something on the order of \$230 million,
32 so my goal as the district representative and my hope is that a goal that you all share is to
33 see if we can have an integrated vision that actually looks to the future, which I believe all
34 of us understand to be much more of a mass-transit oriented world as opposed to making
35 intersection improvements that disrupt communities and actually don't appear to make a
36 significant improvement in the quality of their life or of the transportation intersections
37 themselves, so what has seemed to be missing with the greatest respect because I know all
38 the hard work that has gone on is to make sure that we're all integrated into our vision,
39 and then you folks help us to get there as to what that needs to be, so that's my desire
40 with respect to this conversation, is to see whether or not we can look to 20, 30 years into
41 the future, recognizing what we're gonna be doing at White Flint, recognizing what is

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1 taking place in Bethesda, recognizing what is taking place with the purple line, and
2 recognizing what we need to do for this community and have all of that working together
3 as opposed to isolated, and what I've heard from my community is, gee, if we don't have
4 all of this done by 2011, that's ok as long as what we're doing is the right thing, and if we
5 were turning dirt in 2010, 2011 and it wasn't gonna happen until 2012, 2013, but
6 everybody was confident that which we were investing in was actually gonna solve the
7 problem for the long term, not the short term, they'd be ok with that. So you've been
8 operating under a mission that I believe has sort of created a false timeline for you, and I
9 think we need to relax that in order to ensure that perhaps some things are done
10 immediately that can be done but that the long-term vision may require a longer-term
11 commitment and a longer-term funding source. So I appreciate the opportunity to share
12 those comments and look forward to your reflections on those as well.

13
14 COUNCIL PRESIDENT ANDREWS:

15 Thank you, Council Vice President Berliner. Dr. Orlin does have a comment, and then
16 we'll turn to the presentation.

17
18 GLENN ORLIN:

19 Well, I was just going to explain the order of the presentation. We're gonna start with Mr.
20 Carman and Mr. Alperson for a brief overview with what the Committee's been doing, and
21 then turn to Andy Scott from MDOT who's gonna give an overview of the transportation
22 improvements that are being looked at, then go to Robin McElhenny-Smith of WMATA, is
23 gonna talk about the entrance options that the WMATA is looking at for the medical center
24 station, then to Barbara Silver????? of the State Highway Administration for the
25 intersection improvements and take questions all throughout. Once that panel's finished,
26 we'll bring forward the folks from Park and Planning who can talk about the other planning
27 issues in the area. So that's giving an order about how things would go this morning.

28
29 COUNCIL PRESIDENT ANDREWS:

30 Very good. Ok, all right, I'll turn to the panel then and ask them to please proceed.

31
32 JOHN CARMAN:

33 Ok, thank you. Again, John Carman, Chair of the BRAC Committee. I think
34 Councilmember Berliner really has summarized pretty much where the Committee is at
35 the moment, I think. As you can see from all the panel members that you have from the
36 list of the transportation matrix that you have, there are a tremendous amount of balls up
37 in the air at the moment. Everybody is working on something, trying to move this solution
38 forward, and those balls at the moment aren't clearly formed and defined. The
39 intersections keep--you know, the improvements keep changing as the feedback comes
40 from the community related to that. So I think the Committee is sort of in a waiting position
41 to see, you know, where these balls drop and sort of what they're gonna look like.

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1 Everyone is sitting, waiting for someone to step up with the checkbook. That is asked at
2 every Committee meeting: Are you the person walking into the door with the checkbook to
3 solve this problem? The other question that's always asked is, are you the person that's
4 gonna pull all this together because it, again, there are a lot of balls up in the air, and it's a
5 little difficult to see who's leading the charge related to this. The community, I think, and
6 the Committee is very concerned that the vision that's in the Bethesda master plan gets
7 implemented. That's a vision of a community that is walkable, transit oriented, you know,
8 pedestrian friendly. And when some of these balls that come by that are solutions get
9 compared to that, it's a little difficult to see how they all fit together. And also there were
10 changes going on in the White Flint area which is not that far from where Wisconsin
11 Avenue is on this end. How do those things fit together? And I think we keep getting, you
12 know, a little bit more definition as we move into this, but it's still--the final outcome is very
13 uncertain at, you know, at the moment, so we look forward to, you know, seeing things
14 continue to pull together. And with that, I'll let Phil raise a comment.

15
16 PHIL ALPERSON:

17 Thank you again. Phil Alperson, Montgomery County BRAC coordinator in the Office of
18 the County Executive. You're gonna get the real presentations from WMATA and MDOT
19 in a second, so I just wanted to give you a couple of updates, especially Councilmember
20 Floreen referring to your comment about federal funding, which we all agree is the real
21 answer. This is a federal mandate on the County after all. I want you to know first of all
22 that the Defense Department Budget that was presented to the Congress for fiscal year
23 2010 includes a placeholder for fiscal year 2011 for this project for the Metro entrance,
24 pedestrian-access project that is the County's number one priority. They put a \$20 million
25 placeholder for FY 2011. Those are not real dollars. Like I say, that's a placeholder as this
26 project is developed. Right now, the Metro entrance project is not even a project yet; it's a
27 concept. It will become a project shortly once WMATA presents its final report which we
28 expect very soon. Another kind of federal funding we're looking for is under what's called
29 the Defense Access Road, DAR, Program. The Navy's environmental impact statement
30 for this project stressed that the pedestrian access project at the Metro entrance as a
31 priority. The Navy then submitted to the Department of Defense a request that this project
32 be certified as a DAR project, which means if the Defense Department says yes, this is a
33 DAR project, that initiates yet another process where federal funding could be
34 forthcoming, and in that respect, just last week the House passed its FY 2010 Defense
35 Authorization Bill, which includes an amendment from Congressman Van Hollen that is
36 very specific to this project and says that this project at the Bethesda Metro relating to
37 BRAC should qualify for DAR funding as a multimodal project that is... The Defense
38 Access Road Program traditionally has been about widening roads in rural areas that lead
39 to a military base. In this case, this is a military base in the middle of an urban area, and
40 the Defense Access Road Program ought to apply to transit projects, which have had the
41 same net result of improving traffic flow, except in this case, instead of widening a road to

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1 allow more cars to drive, we're saying let's improve transit access and have less cars
2 come to the area. Same result. So like I said, this Metro entrance project, pedestrian
3 access, is the County's number one priority, and we are aggressively pursuing it, and
4 hopefully we can work together with the state and come together as one happy family on
5 this project. Thank you.

6
7 COUNCIL PRESIDENT ANDREWS:

8 Thank you, Mr. Alperson. Councilmember Knapp.

9
10 COUNCILMEMBER KNAPP:

11 Thank you, Mr. President. Just a question kind of piggybacking on what Mr. Berliner said
12 earlier, and I see the two of you in the capacity of kind of pulling all of the- or trying to pull
13 all of the various disparate pieces together and make something that looks like a cohesive
14 package at the end of the day, and we're gonna hear from folks who are gonna tell us
15 about the specific projects. I guess my question, if you could take just a minute to talk
16 about...as we are looking in the County at redoing our significant master plans, up our
17 kind of main corridor, our main thoroughfare, which is Route 355, we're gonna look at
18 White Flint, Gaithersburg, Germantown, and clearly Bethesda fits in that corridor, and Mr.
19 Berliner talked about the notion of what's the kind of unified vision. To the extent that you
20 or the Committee has discussed this and we're gonna have specific projects, where do
21 those projects fit within kind of that broader, unifying vision or what conversations are the
22 Committee having or working with our planning folks or whatever to try to not just make
23 sure we have a specific project but can tie those pieces together that show how our
24 County's main street can meet our County's needs but also help us be successful with big
25 projects like making sure that we're successful in meeting the needs of our veterans? How
26 is that vision--or where do you stand in that process?

27
28 JOHN CARMAN:

29 Well, I think that's a very big concern that has come up in Committee. I mean, the
30 committee I don't think is really with the resources that it has is able to be the entity that
31 pulls all these things together. It takes a lot of staff time and a lot of work to be able to do
32 that, and we're meeting once a month to get updates and go through those things. In an
33 ideal world, we would like to see you put an update to the Bethesda Sector Plan to deal
34 with this issue so that all of these things could be pulled together and the community could
35 have confidence that the vision of the master plan matches with what's happening with
36 the, you know, the transportation side, but I think the realities of your budget, the realities
37 of the staffing at Park and Planning probably don't let that happen. We've been asking for
38 some additional help informally from Park and Planning, and they in fact are going to be
39 coming to our July meeting, making a presentation, trying to answer some of those
40 questions that you raise, that the Committee has raised with them up to this point
41 because, again, one of the big concerns, as Councilmember Berliner mentioned, is there's

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1 concern that we do something in the short term that doesn't work with the long term, and
2 that vision of the long term is a little bit difficult, more difficult to bring into perspective than
3 the actual, you know, term "lane improvement" that's on the table for, you know, from SHA
4 for example. So I think that is a problem, and I think it's a real challenge about how we fit
5 those things together. Now, we obviously have limited budget dollars at the moment, so I
6 think that the big solutions out there for dollars are not gonna come, and 2011 is coming,
7 and even though I think there's some patience out there to, you know, if it doesn't happen
8 until, you know, 2012 or so on, but if we're talking, you know, 10-, 15-year solutions, that's
9 not, you know, gonna fit into the perspective. I think everybody is, you know, more
10 interested in putting emphasis on the bike sidewalk improvements. I think you're gonna
11 get a request to put a supplemental through to use some \$900,000 that's come from--
12

13 PHIL ALPERSON:
14 750.

15
16 JOHN CARMAN:
17 Well, I always
18 like to add a little more. 750 that's come from OEA to do a bike study, bike/pedestrian
19 study in the area. Hopefully that will fit in with what state highway is doing, but again, it's
20 that long-term vision that's very difficult to put all these in perspective with, and the
21 Committee is just not, you know, staffed to be able to do that.
22

23 COUNCILMEMBER KNAPP:
24 And has the Committee ident-- I mean, you just, I think, articulated a number of things that
25 you see as being deficient or as not being able for the Committee being able to undertake.
26 Have you identified those activities and forwarded those to the Executive or us?
27

28 JOHN CARMAN:
29 Yeah. Committee went through and in fact we made our own
30 bike/pedestrian map with the help of some Park and Planning staff and DOT staff, and we
31 have a map that we say, you know, this is where the community thinks things ought to be,
32 you know, connected. Very, you know, preliminary, you know, type of element. I think
33 that's gonna be used as things go forward. We, early on, developed, which you have
34 attached to here, you know, matrix of campus imp--transportation improvements that we
35 think that, you know, fit together as part of this package. We're waiting to hear more on
36 bus route changes that are being discussed, you know, through WMATA and through the
37 state that might help the area. We've asked for, you know, looking at park and ride lots,
38 you know, on 270 corridor and other areas where we might be able to get people--stop
39 them before they get into this area. There are some shuttle bus service going into NIH that
40 I personally and the Committee are frustrated at why, you know, Naval Med and NIH can't
41 use the same shuttle bus services, but there's some federal rules that, you know, deal

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1 with that and we've raised with our, you know, Congressional representatives that
2 become--so a ton of balls up in the air. The shape of those is still unclear, and when they
3 all come down, you know, hopefully they all fit together and they, you know, fit in with this
4 long-term vision of the Bethesda master plan, but there's no feeling of certainty related to
5 that at the moment.

6
7 COUNCILMEMBER KNAPP:

8 Well, I guess I would suggest-- I'm glad that Park and Planning is gonna participate
9 starting next month--

10
11 JOHN CARMAN:

12 And they have been attending Committee and active and so on.

13
14 COUNCILMEMBER KNAPP:

15 But to the extent that you can identify or begin to quantify some of those additional things
16 that you looked at... Yes, it's a challenging budget year, and no, it doesn't look like it's
17 gonna get better in the next 24 months, but unfortunately in difficult times, you have to
18 pick priorities, and this is something that is going to occur whether we like it or don't like it,
19 so sometimes those are how you end up making priorities. Things are gonna happen
20 whether you want them to or not, and you have to come up with a way to make that fit,
21 and so yes, we have schedules for master plans. We have a variety of things out there. I
22 think it would be helpful for us to get that feedback from you as to... In the ideal world,
23 here's the stuff that we think would need to happen and roughly the timeframe it would
24 need to happen. That doesn't mean that we're gonna be able to get there from the broad-
25 vision

26 perspective, but at least we know what we're trying to shoot for so we don't wake up 8
27 months from now and go, wow, we didn't even know that's what the picture was supposed
28 to look like

29
30 JOHN CARMAN:

31 Yeah, I mean, Committee members from day one have asked the question, who's in
32 charge? You know, who's gonna pull all this together, you know, from a government
33 staffing point of view, who's our shining knight, you know, that's gonna go out and solve
34 this? And the other thing clearly has been continually asked is, how does this fit in with the
35 vision of the Bethesda master plan as a package? Because this impact, I don't think, was
36 really envisioned when the Bethesda master plan was done, so in an ideal world, you
37 know, we say, hey, let's take a look at this thing and make sure it all fits together. Time's
38 against us and budgeting is against us.

39
40 COUNCILMEMBER KNAPP:

41 When you asked the first question, what was the answer? Who's in charge?

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1
2 JOHN CARMAN:

3 Well, I've, you know, asked, sent some emails to Park and Planning and asked for, you
4 know, some help they're supplying in July, but I think the issue of getting a master plan
5 update is not in their vision because it's a budget item that has to come through you guys.

6
7 COUNCILMEMBER KNAPP:

8 So the answer you got to the question was Park and Planning's in charge? Or should they
9 be in charge?

10
11 JOHN CARMAN:

12 I don't know who's in charge. But in my experience, ok, my experience is long-range
13 elements are done by Park and Planning, and so from my viewpoint, you know, the long-
14 range vision to assure that this fits together, then you know, Park and Planning's got to be
15 able to help us with that aspect, and again, I think to be fair to them, you know, they
16 participate in all of the EIS elements that are up there. Again, these road transportation
17 improvements from SHA are relatively new. They're in the point of being evolving at the
18 moment. As I say, the WMATA changes are still not formalized. So all the balls are up in
19 the air, and when they start coming back down towards resolution, we're hopeful that, you
20 know, Park and Planning will be able to look at them and put them in perspective to long
21 range, but they don't have any staff or any budget designed to do that.

22
23 COUNCILMEMBER KNAPP:

24 So we need to have the macro vision, where the pieces fit, and we need to figure out
25 who's in charge.

26
27 JOHN CARMAN:

28 Yeah, that would be tremendously helpful.

29
30 COUNCILMEMBER KNAPP:

31 Thank you.

32
33 COUNCIL PRESIDENT ANDREWS:

34 Thank you, Councilmember Knapp. And just so you know, it is a concerted strategy to
35 have the slide up there. It's building suspense for...and I actually he said after the first
36 slide, but you do have a couple more comments. Council Vice President Berliner.

37
38 COUNCIL VICE PRESIDENT BERLINER:

39 Well, I do appreciate this exchange. I think it's very important, and I appreciate, again, all
40 the hard work you have done and all the community meetings you have held with respect
41 to this. And now it is time to move to that next level of envisioning and ensuring that we



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1 pull this together, and I appreciate your observation that in your judgment, Park and
2 Planning is the appropriate person given that we are talking about a master plan that,
3 quite frankly, written 18-20 years ago, if you still read it today, actually the words are just
4 fine, thank you very much. "Mass transit, pedestrian friendly, bicycle friendly." I think that's
5 what the community is looking for. That's what I'm looking for. It still
6 works today. So we have a vision, and quite frankly we had a conversation, oh, just about
7 a week about with Park and Planning, with Dr. Hanson, in which I asked, and I believe
8 Park and Planning is receptive to making this a higher priority, and I think you can help
9 in that regard by going to the County Executive and saying you know, we need to make
10 this a higher priority, we need more assistance. This isn't just about having meetings,
11 looking at isolated intersections. We need to put some professionals on this who can
12 devote the time to ensure that our state has from our County the vision that we are looking
13 for. We need to drive this. And you need to have the resources and the expertise in order
14 to do that, and right now, you haven't had as much as you need, and we need to fix that
15 because this is way too important, and Park and Planning has way too much expertise,
16 and they are the appropriate-- They are our planners. And so it is critical that they get
17 engaged, and I was encouraged by Dr. Hanson's response, and maybe you can add to it
18 today as to whether there's an update with respect to your own ability, commitment,
19 reordering of priorities in order to ensure that you are in a position to provide the expertise
20 that's necessary to assist our state and our community in having a really forward-thinking
21 plan.

22
23 DAN HARDY:

24 Thank you, Councilmember Berliner. We have been working with the BRAC
25 implementation committee and with the agencies at the table. Again, for the record, Dan
26 Hardy, Chief of Transportation Planning for the Planning Department. We do see our role
27 as being providers and looking at the way of which all the different projects, the balls in
28 the air it's been said, come together to fit the vision. We agree with the discussion we've
29 had before. We think the vision for the Bethesda/Chevy Chase area remains sound even
30 as we work through the way we implement that vision. We're recognizing there are a lot of
31 things in that vision that are not necessarily gonna be topics for presentations today.
32 Things like the Purple Line, HOV lanes on the Capital Beltway, a piece of the Capital
33 Beltway. There's a lot of work that we're doing in land use planning up and down the
34 corridor. White Flint. We've done Twinbrook and Battery Lane to amend the vision just as
35 BRAC is looking at some details here in terms of how the vision would be tweaked a little
36 bit. We see our role as these projects come through the mandatory referral process and
37 making sure that we are communicating how they fit together and hopefully bringing the
38 parties back together in that mandatory referral process. On the transportation side, that
39 will be our role, and we are, you know, ready to provide the resources to make these good
40 mandatory referral reviews with the Implementation Committee, with our partners of the
41 state and federal agencies. We don't, as John mentioned, have resources to do a master

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1 plan amendment. We don't think one is needed for Bethesda/Chevy Chase, but through
2 work such as the Growth Policy, the Comprehensive Zoning Ordinance Rewrite, the
3 housing element of the general plan, we will be having many discussion with you over the
4 course of the fall and the winter about how particularly a linkage between housing and
5 transportation is at risk throughout the 355/270 corridor.

6
7 COUNCIL VICE PRESIDENT BERLINER:

8 Let me just respond briefly to your comment because what I want to make sure happens
9 is that our state folks, who are working very hard at trying to come up with something that
10 works, does so in the context of our best counsel, so what I don't want to see happen and
11 what I was a little concerned in, and I'm not familiar enough with the details of the
12 mandatory referral process, but what I don't want to see is having our state spend a lot of
13 time on things we look at and go, I don't think so. I want us to tell them up front here is
14 what we need to be seeing from you folks so that they're no wasting their time, our
15 resources, and our community is getting efficient government service from our dual level
16 of government here.

17
18 DAN HARDY:

19 We have been doing that, and I think that you will hear in the discussions about the
20 projects before you, some of the discussions that we've all participated in that have been
21 affecting the state's thinking about particularly the intersection projects.

22
23 COUNCIL VICE PRESIDENT BERLINER:

24 Ok. If a state representative would care to speak, then I'd be delighted to hear from you,
25 sir, if you wanted to comment on that.

26
27 ANDY SCOTT:

28 Sure, Councilman. Actually, it might make sense for me to start our presentation. I'm just
29 giving a very broad--

30
31 COUNCIL PRESIDENT ANDREWS:

32 Hold on just a second. We have one more comment, and then we will begin the
33 presentation, so I'll let you get to your response to the Council Vice President's question in
34 your presentation, which will begin very soon. Councilmember Floreen, and then we'll start
35 the briefing.

36
37 COUNCILMEMBER FLOREEN:

38 Thank you very much. These comments could just as easily be made at the end, but I
39 want to make them known in light of what everyone else says. Said I couldn't agree with
40 Mr. Berliner more. I think there are a couple of tasks that we need to undertake. One is I
41 think the Council needs regular updates on what you all are working on because I know

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1 there's a Committee. Perhaps, Phil, you could provide us with your notes or whatever it is
2 that you have tracking the meeting so we can all be apprised of what that conversation is.
3 That's number one, keeping us all informed. Number 2, I do think we have to resolve this
4 who's in charge issue because we all read in the paper various comments, various
5 directives, and various observations by all of you and members of the community in this
6 charge, this respect, and I think there is confusion about this, so I think we do need to
7 work with the County Executive, Phil, and John to put together a strong leadership team to
8 address the variety of issues that are coming along. I actually am not so sure it's a Park
9 and Planning issue entirely. Of course, they're relevant, but this is implementation stuff,
10 and looking at how we support what you're doing, what Walter Reed is doing, and frankly,
11 what NIH is doing. Remember, we have major federal facilities here in this environment,
12 frankly, throughout the County who are not subject to any of our rules. They don't have to
13 play, and they don't, so for all the boxing up of Wisconsin Avenue that NIH contributes to,
14 they play no role. They have mandatory referral. They've agreed to certain kinds of things.
15 Is it making an improvement? Who knows? Most people would say not based on their
16 personal experience. Then we have intersection improvements that are bandied about
17 with lots of implications for communities. I think we're selling ourself short in terms of
18 talking about short-term vs. long-term issues, but that's just me, and I do think that we
19 need to come together for a clear understanding of what we collectively are committed to
20 pursuing here. Likewise, is it all transit vs. roadway improvements? I think we need to
21 resolve that issue. Pathways and bikeways are nifty, but they're not gonna solve the major
22 issue for the residents of that community and frankly for the visitors and doctors and
23 everyone else coming in there, so we need to set up a list of priorities, and I know you're
24 having a lot of conversations, but I do think--I think it was Mr. Berliner who said the time is
25 now. The time is now, and we need to put together a structure that will focus the
26 conversation, move us forward, and get us to the point of speaking with one voice, so if
27 we could keep that in mind and we'll try to figure out how to do that in the next couple of
28 weeks, I think it's our responsibility to perhaps get that moving in conjunction with the
29 County Executive. So if we could enlist your assistance in doing that, I think that would
30 help us to move us forward with clear objectives, clear standards, and at least a clear
31 structure for communication so we can help you and you can help us take us to where we
32 collectively agree we need to go. Thanks.

33
34 COUNCIL PRESIDENT ANDREWS:

35 Thank you, Councilmember Floreen. Well, I think the panel has a good idea of some of
36 the goals and objectives and concerns of Councilmembers, so we can give you a head
37 start in anticipating what questions may follow, so if you can work to address some of the
38 issues that have been raised in your presentation, your responses, I think that would be
39 great, and we'll turn it over to you now for your briefing and for your PowerPoint.

40
41 ANDY SCOTT:

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1 Thank you, Mr. Chairman. Again, Andy Scott with the Maryland Department of
2 Transportation. I'm happy just to give a broad overview of all of our efforts working with
3 the county and with WMATA, and then turning it over to the folks who are actually
4 working on the specific projects. Why don't you hit that first slide. Our approach here in
5 Bethesda is similar to what we're doing across the state, and that's really emphasizing a
6 multimodal approach to BRAC. The challenges in Bethesda are unique because it is the
7 only urbanized BRAC in the state and I think in the country, so it is presenting unique
8 challenges. We know we need to use every tool in that toolbox, and we're gonna go
9 through what the efforts are
10 underway. On the transit side, we have Robin McElhenny-Smith with WMATA who will
11 give you an update on the Metro entrance project. WMATA is also conducting a regional
12 BRAC bus study. We're not in a position--WMATA's not in a position to share the results
13 at this point, but the county and the state are both involved in that, and it's looking at not
14 just Bethesda, but Fort Mead and Andrews Air Force base and Fort Belvoir, across the
15 entire metropolitan area, and of course State Highway will provide an update on our
16 BRAC intersection program, looking at the 4 priority short-term projects that we're
17 developing, and we are emphasizing bicycle and pedestrian improvements. We've heard
18 from the community that we need to do a little more work on that, and we are trying to
19 respond. We look forward to working with the county on this recent grant that was
20 received for pedestrian planning. Next slide. Our strategy is a high/low strategy with
21 BRAC. BRAC, in transportation terms, is very difficult. It is bringing jobs within just a few
22 years, when you all know how long it takes to plan, design, and finance a project. So we
23 know that there are long-term projects that need to be considered, but we are focused on
24 sort of the lower-dollar, easier-to-implement projects that can be done in the next few
25 years, and that is things like transit improvements as well as these intersection projects
26 which are easier in other parts of the state than they are here in Bethesda, but we are
27 focused on those short-term projects. And we've heard you clearly today about your
28 concerns about long-range planning. We've heard it from the community. We're happy to
29 work with all the parties to help develop that vision. It has to be a county vision. We can't
30 tell you what it is, but we're happy to be a partner in developing that. Our involvement is
31 primarily with the BRAC implementation Committee. That is a very good form for
32 communicating with all the stakeholders, bringing everyone together, keeping attention on
33 the issue and pressure, and Phil and John have been very good at keeping us focused on
34 this. We also recognize there--given where all these different initiatives are, there are a lot
35 of balls in the air. We thought it was a good idea to create an interagency coordination
36 group. This is something that we just formed working with the county. Have no met yet. I
37 think our first meeting is next week, Tuesday, and that would include Park and Planning,
38 Montgomery County DOT, MDOT, State Highway Administration, WMATA, the Navy, and
39 NIH. And to bring all the agency implementers together so that we are coordinating,
40 talking, you know, making sure that we're moving quickly to implement all of our projects.
41 You'll hear about some of them, but I also want to emphasize that we're also working with

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1 the federal government. That includes our Congressional delegation, Senator Mikulski,
2 talks about team Maryland, you know, responding to BRAC, and they've been very
3 helpful. Senator Mikulski and Cardin and of course Congressman Van Hollen are at all of
4 the big meetings, and I think there may be some representatives here today, but when we
5 ask for things, they always try to help us. And also the Navy. The Navy has been a good
6 partner, working with us. They are a unique animal. They have their own set of rules. But
7 they have always tried to reach out and work with us. So that's sort of a broad overview.
8 You know, I think there's concern about sort of a big picture vision and cohesion, we
9 understand that. I think this coordinating Committee, a few of the things that I saw us
10 doing initially was--one was trying to do an assessment of sort of the long-term plans. Not
11 to do plans, but just a lay of the land, what is out there both on the land-use side in Park
12 and Planning, the master plans as well as the agencies on the infrastructure plans just so
13 that all the stakeholders see what is out there and can determine what the gaps are.
14 We're also gonna be coordinating on the grant on bicycle pedestrian studies. \$750,000
15 will go a long way. We'd like to work closely with the county on that so we can really
16 maximize the benefits, and of course the Navy and NIH, there are opportunities to work
17 with both and hopefully work with both together on some improvements. So that's just the
18 broad overview. I'll stop for questions before I turn it over to Robin with WMATA.

19
20 COUNCIL PRESIDENT ANDREWS:

21 Good. Ok, thank you, and one note, that Joan Kleinman is here representing
22 Congressman Chris Van Hollen. He's been very active on this issue, very helpful as has
23 our other federal representatives as well. So, Joan, why don't you raise your hand. There
24 she is. Thank you for being here. Council Vice President Berliner has a question.

25
26 COUNCIL VICE PRESIDENT BERLINER:

27 Let's stay with that large vision and the work you're doing there, and I do appreciate it. I
28 think you understand the importance of 355/Rockville Pike/Wisconsin Avenue to our
29 community, to our state. It is probably--I think probably without question the most
30 important transportation corridor in the state from an economic development perspective.
31 This is where the engine of Montgomery County, it's the economic engine of the state. It is
32 also a corridor that, through the good work of Park and Planning, we hope to be a
33 sustainable transportation corridor. My staff and I over the past month have been
34 researching what other states have done to identify special transportation corridors to
35 ensure that this larger holistic view is brought to bear by definition, and I commend to you
36 the state of Oregon passed legislation that created special transportation corridors for this
37 precise purpose. And my staff will share with you that legislation. We are looking at it as a
38 possibility to suggest to our state delegation, to the governor that you look at this as a way
39 on ensure that all these pieces are brought together so that when we make the kind of
40 investments that we make in this corridor that they do serve us on so many different levels
41 that we bring together the multimodal transportation pieces that are pedestrian friendly

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1 that make this retain the community life that is so important, an enhanced community life.
2 So I share that with you because we see that as a potential model that we also
3 think would have appeal to the federal government right now, that we could then present
4 this transportation corridor, a sustainable transportation corridor, the federal government
5 to say, give us a little more, we need a little more, and quite frankly, as was observed
6 earlier, they owe us a little more. Ok? Thank you.

7
8 COUNCIL PRESIDENT ANDREWS:

9 Thank you, Council Vice President Berliner. Councilmember Trachtenberg.

10
11 COUNCILMEMBER TRACHTENBERG:

12 Thank you, President Andrews. I just wanted to raise one issue, general commentary from
13 any of you would be welcome, but I want to point out that we certainly appreciate the grant
14 for the \$750,000 that--

15
16 ANDY SCOTT:

17 Not from us.

18
19 COUNCILMEMBER TRACHTENBERG:

20 I know. I know that. That we're gonna use clearly to focus on the issue around pedestrian
21 safety, pedestrian access, but what I want to just put out there is that I would think that an
22 evaluation of that would need to be more comprehensive than just a conversation and
23 recommendations around sidewalks and bike paths, that I see an essential part of that
24 evaluation to be centered around the connection to existing communities, and I would just
25 underscore that I see that as being significant as you continue and go forward with your
26 work efforts, that there's got to be a way to coordinate not just what we're doing in terms of
27 reformulation around sidewalks and providing additional bike paths, but really working with
28 the community right in that area there and making sure that there are connections to those
29 communities because that-- we don't want them to be isolated from what is about to
30 dramatically change on Rockville Pike. They have to be part of what we plan.

31
32 ANDY SCOTT:

33 Just to clarify, the county is the recipient of the grant, so we hope to work with them on the
34 scope, but the county will be drawing up the scope.

35
36 COUNCIL PRESIDENT ANDREWS:

37 Thank you. All right, let's continue with the presentation.

38
39 ROBIN McELHENNY-SMITH:

40 Good morning, Council President and Councilmembers. I'm Robin McElhenny-Smith with
41 Metro's Planning office, and MDOT, the state of Maryland, asked Metro to look at ways to

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1 improve access to the Medical Center Station from Navy Medical. We have identified 5
2 different alternatives that represent different levels of investment. The primary goal is to
3 reduce the number of pedestrians that have to cross at-grade, to reduce the potential
4 conflicts between vehicles and pedestrians and enhance the overall safety. One of the
5 alternatives-- Let the PowerPoint catch up with us for a moment--is a no build. Whenever
6 we do these type analyses, we want to look at what can happen, what's the low-hanging
7 fruit, what's the benefit of it? So the first alternative was looking at ways to improve the
8 existing intersection, and one way is to then implement a pedestrian refuge in the median
9 of Rockville Pike. It would need to widen the road about 10 feet, so this envisions
10 widening on the west side. For orientation, Navy Medical is up, north is to the left. So this,
11 while definitely improving and enhancing safety at the intersections for those people that
12 cannot cross during one pedestrian cycle would do nothing to really reduce the number of
13 people crossing Rockville Pike. Today in the peak period, there's about 250 people that
14 cross Rockville Pike going to and from Navy Medical. We envision that tripling to about
15 850-1,000. That's during the peak hour. As you know, Navy Medical is being very, very
16 aggressive with their Transportation Management's Demand Study to increase of the
17 transit mode share. Right now it's about 11%. They envision it going up to 30%. They're
18 not adding any more parking for employees. The parking they're gonna be adding is for
19 visitors

20 and patients. So making the transit more convenient-- although right now it is still very
21 well served by Transit, but really, making it convenient as possible is going to help them
22 reach that goal. The next alternative is... Ok, let's... Yeah, just go to... is the deep
23 elevators. This serves the Metrorail passengers very, very well. As you may know, the
24 station itself is under Rockville Pike. Again, we're looking south along 355 with the
25 Metrorail station in the center. This alternative shows a short, deep tunnel to the left--I
26 think it's about 50 feet--that would connect to 3 high-speed elevators that would bring the
27 Metrorail passengers trying to access Navy Medical to the surface, where there would be
28 a plaza, where there would be 3 elevators and enhanced walkways that would provide a
29 connection into the campus itself. This tunnel connects into the free area at the Metrorail
30 station. Right as you come out of the fare gates and the kiosk, you would take a right. It's
31 extremely elegant for the Metrorail passengers. I think we would capture every Metrorail
32 passenger heading to Navy Medical. There would be no reason for them to go up the
33 existing escalators, which is shown over to the right, and then circle back around. What it
34 doesn't do is serve any of the bus pays, passengers, or just the general population. It
35 clearly serves the Metrorail. That does represent about 80% of the people that want to
36 cross Rockville Pike that are heading to Navy Medical, so it serves the significant majority
37 of people, but again, it's not really an equal opportunity for all. The third alternative is a
38 shallow tunnel. We've assumed mined, so it would need to be deep enough that mining
39 operation would be possible, and that is really envisioned to minimize disruptions along
40 Rockville Pike. Here, again, to the left, is Navy Medical, to the right is the station entrance
41 connecting to NIH. This would have two elevators on each side of Rockville Pike, and it



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1 would have escalators and stairs with canopies on each side. It would serve, certainly, the
2 rail customers. It would not improve any travel time. It would not reduce the travel time for
3 rail customers because they would still have to exit the station as they do now, then they
4 have to walk back to 355 to go down again to cross. It's less, you know, convenient for the
5 Metro rail. They would have to make a decision--do I go back down, or do I stay at grade?
6 But we know that one of the key factors for people actually making a decision to go back
7 down into a tunnel--or, for that matter, a bridge--is how it's designed and where it's
8 located. Where this is placed is really directly in the pedestrian path, that they would--so it
9 would be right in front of them, so to really influence that behavior, that they would use it.
10 As far as the bus patrons, again, it would be right in their pedestrian path, also. The
11 elevator that you see that actually goes down to the mezzanine is really the existing
12 elevator. There would be no elevator connection to the existing mezzanine. It would only
13 be to the shallow tunnel.

14
15 ANDY SCOTT:

16 That tunnel--that elevator is for the--for people with disabilities and seniors.

17
18 ROBIN McELHENNY-SMITH:

19 The current one, yes.

20
21 ANDY SCOTT:

22 Right. The current one. It's a very slow elevator.

23
24 ROBIN McELHENNY-SMITH:

25 It is a very slow, deep elevator. Anyone can use it, but it's slow. Then the next alternative
26 really is-- is really--it combines 2 and 3. It does everything for--it maximizes the
27 convenience, it maximizes the people that would use it, but as you can imagine, it comes
28 with a pretty significant price tag. Then the fifth alternative is a pedestrian bridge. It's really
29 just the same as the pedestrian --the shallow tunnel, except it's a--the bridge. There is
30 some issues with the location of the bridge and what impact it could have with visibility to
31 the signal heads at the intersection. So, again, we want the bridge or the tunnel to be right
32 in the pedestrian path, so that kind of sets where we ideally want the structure to be, and
33 that's approaching very close to the intersection itself, so there could be some visibility
34 issues and something that would have to be done to mitigate that. Also, you're entering
35 into the kind of the historic viewshed. You're somewhat out of it, but there could be some
36 issues with the bridge itself and how--and who else would have to weigh in on the federal
37 perspective for the Navy Medical historical viewshed. This, again, would have two
38 elevators--on the east side and the west side-- escalators, and stairs. It would be--there'd
39 be canopies so the pedestrians would be protected as they enter and exit the bridge. We
40 were looking at definitely the cost estimates, being mindful that dollars are scarce and
41 trying to be as economically--come up with economically feasible options as possible. The

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1 alternative one is really--it's less than a million dollars. We're showing construction costs,
2 we're showing project delivery costs, which really is the design, the construction
3 management, some contingency in there. And when we say "previous total," we have
4 visited with the BRAC Implementation Committee several times presenting this study,
5 and we had shown them previous cost estimates, so we wanted to show comparisons. So
6 alternative one, which is just really the median improvement and widening 355, is
7 \$700,000. We've estimated this in FY09 dollars, but as I'm sure you can appreciate, these
8 are only concepts. There's a lot we don't know, so we always have a range of minus 10%
9 to plus 30% at this level of planning. The deep elevators is at the \$30.5 million. Again,
10 that's the one that would exclusively serve the Metrorail riders. Alternative 3, the shallow
11 tunnel, is 31.5 million. Part of what's driving that cost is the length of the tunnel compared
12 to the short, deep tunnel. This is a much wider, shallower tunnel. It has four elevators, two
13 escalators, and canopies, plus two plazas on each side. So that's what's driving up the
14 cost of that one relative to number 2. Alternative 4, which combines 2 and 3, is
15 approaching \$60 million, and the bridge alternative is \$14,600,000. And where we are
16 now is, we don't have a completed schedule we can share with you. We are still working
17 on that back in--with our project team. But these are kind of the decisions and the
18 activities that have to happen. First, there has to be a decision on what recommendation,
19 if any, to pursue. Metro will not be making that decision. We're really acting on behalf of
20 the state in evaluating this, and we really aren't weighing in on a specific opinion. We need
21 to secure funding, and we've got a little update from Phil on where some of that--those
22 federal dollars may be coming from. We also have to decide on who's going to own the
23 project and implement it. We would need to conduct the design. We-- this is certainly at
24 just a concept level. We would--so a scope would have to be written, the consultants
25 would have been put on board, and the actual preliminary engineering would have to be
26 done. Following that, assuming it's a design/build approach, we'd need to develop the
27 RFP, procure and contract award, conduct final design, and construct. I really went into
28 this detail here just to let people know this isn't a two-year project. So it's-- there's a lot of
29 work that would need to be done, a lot of decisions that would need to be made. So that
30 kind of sums that up. Right now, we have a draft report.

31
32 COUNCIL PRESIDENT ANDREWS:

33 Wait. Hold on just a second. Council Vice President Berliner had a question.

34
35 COUNCIL VICE PRESIDENT BERLINER:

36 I just want to get a clarification from you. Did I understand you correctly when-- that you
37 said you will not make the decision with respect to which of the options are to be pursued,
38 that that will be our state that does so?

39
40 ROBIN McELHENNY-SMITH:

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1 Well, it would be a combination, I would think, of the state, the feds, and Montgomery
2 County. I think all of those entities would weigh in.

3
4 COUNCIL VICE PRESIDENT BERLINER:

5 But you aren't making an independent judgment. You are designing options, and it is up to
6 our state, our county, and our federal government to determine which of those options we
7 find most desirable, acceptable, and feasible.

8
9 ROBIN McELHENNY-SMITH:

10 Right, because we wouldn't be funding it, so we think the people that are funding it would
11 be the ones to make the decision.

12
13 GLENN ORLIN:

14 Can I clarify? What would have to happen at the very end of the process is the WMATA
15 board would have to approve whatever is done because it does tie into the Metro system.
16 But--but Robin's--

17
18 ROBIN McELHENNY-SMITH:

19 That's true.

20
21 GLENN ORLIN:

22 But Robin's right.

23
24 COUNCIL VICE PRESIDENT BERLINER:

25 Technically true, but the reality is that other people are making the judgment call here. Do
26 we have views with respect to any of these matters now that can be shared with is as to
27 the scenarios that have been shared?

28
29 ANDY SCOTT:

30 Not at this time. What you are seeing is a snapshot in time of all of these efforts. They're
31 just wrapping up the study now, and we've been in discussions with Montgomery County
32 DOT. We'll be following up with the findings, talking in greater detail with Montgomery
33 County staff. I'm just--so you understand, WMATA- the 103-mile system, the original
34 vision, there is a process for sharing those costs. Now anything that we add to the Metro
35 system, WMATA doesn't pay for it. The region doesn't pay for it. Somebody else, whether
36 it's county, state, Navy, has to pay for it, so that's why WMATA is...

37
38 COUNCIL VICE PRESIDENT BERLINER:

39 That's why Congressman Van Hollen's office is here. Right, Joan? You're writing that
40 check, right?

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1 JOAN KLEINMAN:

2 You got it.

3

4 COUNCIL VICE PRESIDENT BERLINER:

5 OK. Thank you.

6

7 PHIL ALPERSON:

8 Councilmember, if I can jump in on that. One thing we're trying through the Defense
9 Access Road Program is to get the Defense Department to take responsibility for this.
10 Once this WMATA report comes out, then the Defense Department will initiate its DAR
11 evaluation process. If they do take ownership of this, then--then they will do their own
12 determination of what they think is most appropriate, and they will very likely pick from
13 these designs, and they could certainly modify the designs if they wanted to. But--but
14 that's the way we're hoping to go because this ought to be a federal project, ought to be
15 the Defense department. So that's one way to make the decision, but another way is, at
16 this

17 point, nobody really owns the project, and like I said earlier, there's not--this isn't quite a
18 project yet because the WMATA report isn't finished, but at that point--I mean, the county
19 and the state are already talking about this, and we will get down into the weeds later on
20 once we know more.

21

22 COUNCIL VICE PRESIDENT BERLINER:

23 Appreciate it, and you get no argument from me that this is a federal project.

24

25 PHIL ALPERSON:

26 Yes--federal, for sure.

27

28 COUNCIL VICE PRESIDENT BERLINER:

29 Federal project. Right, Joan?

30

31 JOAN KLEINMAN:

32 You got it.

33

34 COUNCIL VICE PRESIDENT BERLINER:

35 Federal project.

36

37 COUNCIL PRESIDENT ANDREWS:

38 Thank you, Council Vice President. All right. Go ahead and proceed.

39

40 ROBIN McELHENNY-SMITH:

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1 OK. Just a couple more next steps here. As has been mentioned, we have a draft report.
2 We anticipate the final report coming out in July, and again, a recommendation would
3 need to be made, and then of course funding would have to be identified to move forward.

4
5 COUNCIL PRESIDENT ANDREWS:

6 OK. Thank you very much.

7
8 ANDY SCOTT:

9 Now we'll go with Barb Solberg, State Highway Administration. Right there.

10
11 BARB SOLBERG:

12 OK. Good afternoon. Again, my name is Barb Solberg. I am with the State Highway
13 Administration in our Office of Highway Development. I am responsible for the oversight of
14 the design of the four intersection improvement projects that I'm going to present today.
15 And what I plan to do is present sort of the changes that have been made, the ones we
16 plan on implementing, the ones we're still thinking about since the public meeting, OK?
17 And I want to start with kind of explaining our starting point. When we started these
18 intersection projects, our goal was to get them to Level of Service E in our planning. And
19 again, that's not typically what we do. So we laid out concepts to get the intersections to
20 Level of Service E. You know, we could determine how many lanes we needed, the type
21 of lanes we needed, et cetera. And that our starting point. And we develop preliminary
22 cost estimates and impacts and kind of go from there, then roll it out to the public, get their
23 comments, and then do a cost-benefit analysis, and that's exactly where we are right now,
24 OK? We've received a lot of comments. We are making changes due to the comments,
25 and that's what I want to present. So I'll just go intersection by intersection.

26
27 COUNCIL VICE PRESIDENT BERLINER:

28 Could I ask you a quick question? Because you said, in your very opening comments,
29 "This is not what we normally do. We designed this to get to E. We normally don't do that."
30 What do you normally do, and why did you design to E here?

31
32 BARB SOLBERG:

33 Well, we'll normally look at 30 years out instead of looking at 2011 traffic. And then we
34 typically will look at a Level of Service D or even a C.

35
36 ANDY SCOTT:

37 If I could add to that, again, this was the short- term part of the BRAC strategy. There was
38 a lot of interest in getting something delivered by 2011. That's what we're attempting to
39 do. You know, looking at these projects, or any project, it's--you look at the scope, you
40 look at the schedule and the budget. We're trying to get something that can actually be
41 built by 2011. That's driving a lot of what Barb is doing here.

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1
2 COUNCIL VICE PRESIDENT BERLINER:

3
4 OK. And I think you're hearing a lot of questioning with respect to that fundamental
5 premise that if we're--and maybe these numbers are going to change as a function of the
6 changes you contemplate, but when we're talking about 200-300 million dollars to get
7 Level E in order to have a short-term fix that's not a fix, people are scratching their heads.
8 So I do think we need to rethink that fundamental premise, and we'd be delighted to be
9 your partners in that.

10
11 DOUG SIMMONS:

12 Let me give one other little twist on this. This is--Doug Simmons, State Highway
13 Administration. This is very similar to the philosophy we followed with Montgomery County
14 over the last 10-12 years in intersection improvements across the county going east-west.
15 Obviously, Montgomery County is a very heavily traveled county. The Bethesda area is
16 especially is extremely challenged from a pedestrian perspective, so to be able to go to a
17 Level of Service C in Montgomery County, especially in the urban parts of Montgomery
18 County, it is really next to impossible.

19
20 COUNCIL VICE PRESIDENT BERLINER:
21 Understood.

22
23 DOUG SIMMONS:

24 So our premise is trying to find solutions that allow for an improvement over what you
25 would see without any investment whatsoever. What can we do to maximize the dollars
26 that have been made available to provide improvements to the area? So it's not that
27 different than the philosophy we've followed down here over the last 10-15 years.

28
29 COUNCIL VICE PRESIDENT BERLINER:
30 I appreciate your clarification.

31
32 COUNCIL PRESIDENT ANDREWS:
33 Thank you.

34
35 BARB SOLBERG:

36 And with that said, where we are now is, let's see what we can do to get an improvement.
37 OK? And that's-- like I said, we had to have a starting point, and our starting point was that
38 Level of Service E. Now looking at the costs and the impact, we're looking at, OK, now
39 what we can do to get an improvement, OK? And that's kind of what I'm going to explain
40 today. So the first intersection I want to go over is Maryland 187, Old Georgetown Road,
41 at West Cedar Lane. If you were at the public meeting, you--you would notice we

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1 presented two

2 options, an option 1 and an option 2, and the only difference is that one option widened to
3 the east side of Old Georgetown Road and one widened to the west side. OK? Widening
4 to the east side had a large impact on the fire station, and almost to the point where we
5 would probably have to relocate them, so we looked at shifting the improvements to the
6 west side. So we are pursuing option 1 at this time. After we rolled these out of the public,
7 we did hear a lot of concerns that we were not accommodating pedestrians and cyclists
8 enough, we were not following the Master Plan, so we actually met with Maryland-
9 National, we met with the NIH Bicycle Club, we met with WABA, and we sat down and we
10 actually laid out what it would take--our impacts are high already, and that's kind of why
11 we didn't add hiker/biker trails. We didn't add a wider outside lane to accommodate
12 cyclists because of the impact to all the property owners. But we kind of went back and
13 looked at it we laid things out, and we decided if we did have willing property owners, we
14 would pursue a hiker/biker trail. So we are pursuing the hiker-biker trail along the east side
15 of Old Georgetown Road and the southern side of West Cedar Lane. So we are--
16 conceptually laid it out. It's going to be tough around the fire station, so we may have to
17 pinch it a little bit, but we are looking at that. We met a couple of weeks ago with the
18 community of Oakmont, and if you can see, we are adding a lane if you're coming
19 eastbound out of Oakmont. They have one lane today that serves right turns and left turns
20 and through movement, and in order to optimize the intersection, really you have to
21 remove those turning movements from the through lane. So we were adding another lane
22 so that we could get the left turns to run concurrently. Well, they didn't understand why
23 any widening was happening at Oakmont, and we really couldn't convince them, but the--
24 so we went back and we looked at what would happen if we did split phasing. And we ran
25 the numbers, and the intersection doesn't operate as efficiently, but it does give an
26 improvement. So what we're going to do is remove the widening along Oakmont. And
27 again, we're going to--for the eastbound and westbound only, we will have a split phasing,
28 which means that all the eastbound will go first, and then all the westbound traffic. We'll
29 still have the concurrent movements north and south. We also met with--it was the NIH
30 community, and the storm water management pond that we have shown on there is--
31 where we have it located now, there are a lot of large, mature trees, so they suggested a
32 new location. Oops, what did I do? OK. A new location for the pond that's in a more open
33 area, so we are pursuing that. Because we can do the split phasing, OK, we are going to
34 convert that--that through lane to now be a left-- a left-turn lane and a through lane,
35 because we're going to have the split phasing. We don't need to run the concurrent lefts.
36 Another thing we're looking at--and we're actually doing a study. I think the study went out
37 this week, a nationwide study to look at what we're calling dynamic lane controls, and if
38 you can see, coming southbound on Old Georgetown Road, we have--well, we're
39 proposing three through lanes and one left-turn lane. In the PM peak, you don't need the
40 three through lanes. So what we're really looking at doing, in the PM peak only, is
41 converting one of the through lanes to a left-turn lane. So you'll have double lefts only in

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1 the PM. And we're considering this, actually, at a lot of the intersections, as a--really a
2 smaller type improvement. We do have--there's parking along West Cedar Lane, and we
3 may have to work with the County on--I think there's a taxi stand, so now we need two
4 receiving lanes on West Cedar Lane.

5
6 COUNCIL PRESIDENT ANDREWS:

7 Councilmember Elrich has a question, I think, about that.

8
9 COUNCILMEMBER ELRICH:

10 Actually, I just was looking at your numbers, and I want to be clear. You're not--you're
11 using volume capacity ratios for capacity, right? You're not using CLVs?

12
13 BARB SOLBERG:

14 We've done both.

15
16 COUNCILMEMBER ELRICH:

17 But your numbers up there look like VCs.

18
19 BARB SOLBERG:

20 The numbers...

21
22 COUNCILMEMBER ELRICH:

23 You had a chart up there a second ago, and there like, you know, .78, .87, 1.13. Those
24 were all volume capacity ratios.

25
26 BARB SOLBERG:

27 Yes.

28
29 COUNCILMEMBER ELRICH:

30 OK. Thank you.

31
32 BARB SOLBERG:

33 Yes.

34
35 GLENN ORLIN:

36 Barb, does this mean you'd have to have an additional receiving lane on eastbound Cedar
37 Lane?

38
39 BARB SOLBERG:

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1 The width is there. We think the width is there. They would have to be narrower lanes, and
2 we may have to push the taxi stand a little farther east, but we don't think so. We're still
3 looking at it. Another concern we had as far as--

4
5 COUNCIL VICE PRESIDENT BERLINER:

6 May I ask a quick question more broadly? Is this the first time the community has seen
7 this presentation? Are we seeing this--

8
9 BARB SOLBERG:

10 This is the first time the community has seen the presentation, yes.

11
12 COUNCIL VICE PRESIDENT BERLINER:

13 I appreciate knowing that. Thank you.

14
15 BARB SOLBERG:

16 OK. As a result of the comments we received about the bike compatibility and the Master
17 Plan, again, we didn't want to widen the roadway any more than it already was for a wider
18 lane, for a hiker/biker trail, so we thought, well, what would we do if we--we were
19 proposing 11-foot lanes, as you can see there. So we decided to compromise and we
20 could restripe those to 10-foot lanes, and then that outside lane could be a wider lane to
21 accommodate the cyclists. So we were willing to make this commitment. This was just a
22 striping change. But then we met again--when we met with Maryland-National and the--
23 and the biking community, we got a lot of comments about our buffer, which is the space
24 between the curb and the sidewalk where the hiker/biker trail and, you know, when you're
25 in heavily trafficked area, ideally, you want a wide buffer. OK? And we had three feet. In
26 some cases, we didn't have any buffer because we were impacting private residents, so
27 we thought, OK, how wide do you really need that outside lane to be? In this case, you
28 can see if we took one foot from each of the 11-foot lanes and added it to the outside
29 lane, it would be three feet wider, which would

30 make it a 14-foot lane. So talking to members of the biking community, those that actually
31 ride on the road don't prefer the wider outside line because that means they have to share
32 the lane with the vehicle-- ride side-by-side with the vehicle. So they actually commented
33 that a narrower lane would be better so they can actually take up the entire lane. So what
34 we decided to do is actually leave the curb where it is and restripe that outside lane to
35 make it, say, a 13-foot lane, and then we add the additional space to the buffer where we
36 can. So we got additional green space now between the vehicles and the pedestrians or
37 the biking community on the hiker/biker trail. And we're doing that, actually, at every
38 intersection where we can. OK? In some places, it makes sense to do, and in some
39 places, it doesn't.

40
41 COUNCIL PRESIDENT ANDREWS:

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1 Councilmember Elrich.

2
3 COUNCILMEMBER ELRICH:

4 I don't know if you need to give--I don't need this right now, but could you tell us how
5 many trips, peak period trips, you're trying to accommodate, do you think you're
6 accommodating, at the different intersections? And if you don't have the data today--

7
8 BARB SOLBERG:

9 I do not have it with me today.

10
11 COUNCILMEMBER ELRICH:

12 OK. It would be helpful if we could get it.

13
14 BARB SOLBERG:

15 I can tell you this intersection is the lowest of the four priorities.

16
17 COUNCILMEMBER ELRICH:

18 And so, for peak period, are talking about a couple of hundred trips an hour, you know, a
19 thousand?

20
21 BARB SOLBERG:

22 Let me ask my experts. Do you guys know? If you don't know, that's OK. We can get you
23 that information.

24
25 COUNCILMEMBER ELRICH:

26 Thank you.

27
28 BARB SOLBERG:

29 OK. And before I move on to the next intersection, if there are any more questions...

30
31 COUNCIL PRESIDENT ANDREWS:

32 Not at this point. Keep going. Thank you.

33
34 BARB SOLBERG:

35 OK. The next intersection is Maryland 355 at Cedar Lane, and again, as a result of
36 meeting with Maryland-National and the biking community, we are considering a
37 hiker/biker trail along the southern side of West Cedar Lane. Originally, we had proposed
38 a five-foot sidewalk. OK? And again, this is with NIH being a willing partner, to put a 10-
39 foot hiker/biker trail within the limits of our work. Wherever possible, again, we are going
40 to increase the buffer space between the vehicles and the trail or the sidewalks. We are
41 going to be removing, on, I guess, eastbound Cedar Lane, we have three proposed lanes.

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1 We're going to be removing one of those lanes because it's really not needed. It was
2 really for the right turns, and it's not needed, so we'll be removing one of those lanes. At
3 all of the intersections, again, we've heard a lot from the pedestrians and the people that
4 walk out here--at all of them, were going to try to reduce the radius at each of the
5 intersections. Right now--and this is a national problem with pedestrians. If you've got a
6 free right turn and the radius is pretty large, the cars travel pretty quickly around, and it's
7 dangerous for pedestrians. So what we're going to do is try to

8 tighten up--at every intersection, tighten the radius if we can. We'll be removing the
9 channelized island where we can --again, for traffic calming, to help with removing that
10 free right turn movement, and it will actually shorten some of the crosswalks. We are
11 considering converting that fourth through lane to a through and a right turn. Again, we ran
12 the analysis. The intersection doesn't operate as well as if you had that free right turn, but
13 it--but it does give us an improvement, which would negate the need to widen right in front
14 of the Boy Scouts. On the north leg, we're going to extend the median a little bit. Again,
15 this will help pedestrians. It will help realign the crosswalk, and we are going to, again,
16 reduce the lane widths from 11 feet to 10 feet and increase the buffer where we can. And
17 this is kind of a new layout showing the-- the tighter radii, the narrower lanes, so this is
18 where we are with this intersection.

19
20 COUNCIL VICE PRESIDENT BERLINER:

21 Am I correct--and, staff, you can correct me if I'm wrong-- is this the intersection that
22 consistently ranks as one of the worst intersections in Montgomery County? I think it's in
23 the top 10?

24
25 GLENN ORLIN:

26 It varies from year to year, but yes, it's always near the top.

27
28 COUNCIL VICE PRESIDENT BERLINER:

29 It could be number three, I believe.

30
31 GLENN ORLIN:

32 It's actually also, I think, our number one project planning priority for the State Highway--
33 one or two.

34
35 COUNCIL VICE PRESIDENT BERLINER:

36 And is this making--

37
38 GLENN ORLIN:

39 Number one?

40
41 COUNCIL VICE PRESIDENT BERLINER:

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1 The nature of the improvement that is contemplated here will do what? At one point in
2 time, I thought we--it was actually contemplated that one would tunnel underneath.

3
4 GLENN ORLIN:

5 That's what I'm saying. The project planning-- the number one project planning priority is
6 for an interchange at this point, where one road would go over the other, but there's no
7 money in the state's --there's no money in the state program to study that, and if they had
8 more money for studies, this is the number one thing we would ask them to add. But it's
9 not in their program yet. But this--the idea--this isn't a substitute for an interchange in
10 terms of--in terms of congestion relief, but it is a modest improvement. It's something.

11
12 COUNCIL VICE PRESIDENT BERLINER:

13 And how modest an improvement is it? I mean, this is a six--

14
15 BARB SOLBERG:

16 It's very modest.

17
18 COUNCIL VICE PRESIDENT BERLINER:

19 Bigger than a breadbox?

20
21 BARB SOLBERG:

22 It will reduce the delays through the intersection.

23
24 COUNCIL VICE PRESIDENT BERLINER:

25 By...

26
27 BARB SOLBERG:

28 20, 30 seconds.

29
30 COUNCIL VICE PRESIDENT BERLINER:

31 20, 30 seconds. How much are we talking about spending for 20-30 seconds?

32
33 BARB SOLBERG:

34 What's the cost range? It's in the millions.

35
36 DAN HARDY:

37 I'd like to add, too, though, one thing we're trying to do is to get people moved throughout
38 the corridor, and I think what this does do also is to increase the capacity of the
39 intersection. So even though there is still delay--and we will have a lot of discussions this
40 fall about what Level of Service E values people, different people associate with quality of
41 service--the idea of getting the ability to move more people in the corridor is an important

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1 one that the interchange would have addressed. We made a conscious decision a couple
2 of years ago not to pursue that element of the Master Plan vision with BRAC, but that the
3 goal here is to say, how can we most effectively get the most folks where they're trying to
4 get to in this corridor?

5
6 COUNCIL VICE PRESIDENT BERLINER:

7 OK. I heard the words, but quite frankly...

8
9 DAN HARDY:

10 The message is that, again, if you're moving a lot of folks at Level of Service E, that's an
11 improvement over
12 moving fewer folks at Level of Service E.

13
14 COUNCIL VICE PRESIDENT BERLINER:

15 OK. And are we moving more folks? We seem to be doing 20-30 seconds faster. Are we
16 moving more people? Or is that just...

17
18 DAN HARDY:

19 You can certainly, by adding--if you add a lane, you can still be moving more people, by
20 cars or buses.

21
22 BARB SOLBERG:

23 We will be moving more people and--

24
25 COUNCIL VICE PRESIDENT BERLINER:

26 More people slightly faster.

27
28 BARB SOLBERG:

29 It's not slightly faster, and I think that's a misconception a lot of people have.

30
31 COUNCIL VICE PRESIDENT BERLINER:

32 OK.

33
34 BARB SOLBERG:

35 You will get through the intersection quicker, but you get through at the same speed.

36
37 COUNCIL VICE PRESIDENT BERLINER:

38 Thank you. No. Getting through it quicker helps. All right, so we'll be moving more people
39 slightly...quicker.

40
41 BARB SOLBERG:

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1 The delays will be cut in half, is--

2
3 COUNCIL VICE PRESIDENT BERLINER:

4 The delays will be cut in half. Now, that's a--

5
6 BARB SOLBERG:

7 And the V/C ratio, I was just informed, will go from 1.3 to a 1--1 being at capacity.

8
9 CHRISTINA LAVOIE:

10 1.3, the 30 seconds, I misspoke. It was going from a V/C of about--

11
12 COUNCIL VICE PRESIDENT BERLINER:

13 Why don't you come up so that we can get you on camera and on tape and, you know--

14
15 BARB SOLBERG:

16 This is Christina Lavoie. She's the project manager.

17
18 COUNCIL VICE PRESIDENT BERLINER:

19 Hello, project manager.

20
21 CHRISTINA LAVOIE:

22 Hi. I misspoke when I said 30 seconds reduction. I meant to say V/C ratio changes from
23 30% over capacity to right around the 1.0.

24
25 COUNCIL VICE PRESIDENT BERLINER:

26 I know this will shock you to appreciate that V over C means a null set in my brain. OK.
27 What is it?

28
29 CHRISTINA LAVOIE:

30 Basically, we're going from 30% over capacity to just over capacity, like one or two
31 percent over capacity at the intersection.

32
33 COUNCIL VICE PRESIDENT BERLINER:

34 OK.

35
36 CHRISTINA LAVOIE:

37 The delay reduction goes from about 160 seconds down to about 80 seconds, and we're
38 one the-- that's that is measured in... I don't know how to explain it. It will be right on the
39 verge of a Level or Service F. We're going for the E, but it's just on the verge, but we are
40 reducing the delay by, you know, 50%--by half the delay.

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1 COUNCIL VICE PRESIDENT BERLINER:

2 By half a delay.

4 CHRISTINA LAVOIE:

5 Half the amount, yes.

7 GLENN ORLIN:

8 What happens with letter Level of Service is that the delay increases geometrically, so
9 once you're into F, it just takes off. And so if you reduce the capacity ratio within the F
10 range, you're actually making reduction considerable reduction in delay, but Christina's
11 point is right, that you're just bringing it down to the point where it's barely in the, what's
12 considered to be the failing range, but it's not failing by so much that it's just causing a
13 tremendous problem.

15 DAN HARDY:

16 And I would add that when we do development review in this area of the County, that's
17 basically the policy we've had for a number of years, is that's what we're been looking for,
18 is that E-F threshold boundary.

20 COUNCIL VICE PRESIDENT BERLINER:

21 OK. I appreciate the clarification. I do think you-- you sold it better the second time.

23 CHRISTINA LAVOIE:

24 OK.

26 COUNCIL PRESIDENT ANDREWS:

27 OK. Thanks. Councilmember Floreen has a question.

29 COUNCILMEMBER FLOREEN:

30 Well, just to--to be clear, what we're doing--what you're proposing here takes us to-- from
31 F minus to E minus, or...That much?

33 BARB SOLBERG:

34 It's probably actually only--we only go to a scale of F, but if we could go lower, it would be
35 a G or an H.

37 COUNCILMEMBER FLOREEN:

38 From G or H to F? Does it take a--I mean, does it really change anything in terms of the
39 experience?

41 BARB SOLBERG:

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1 In terms of the letter grade, not much; in terms of delay, yes.

2
3 DAN HARDY:

4 We moved away from F a number of years ago in part because of this communication--

5
6 COUNCILMEMBER FLOREEN:

7 We gave up on failing.

8
9 DAN HARDY:

10 We gave up on F, but basically, a V/C ratio of about .15 is about a letter grade, so a V/C
11 ration of .3 is twice--

12
13 COUNCILMEMBER FLOREEN:

14 I'm with Mr. Berliner on the V/C thing. It brings back memories of another stage.

15
16 COUNCIL VICE PRESIDENT BERLINER:

17 Venture capital, but I--you know, V/C, I...

18
19 COUNCILMEMBER FLOREEN:

20 In any event, though, we don't see any way out of addressing the congestion issue at that
21 intersection under this scenario, period.

22
23 BARB SOLBERG:

24 Not without spending a lot more money. Yeah.

25
26 COUNCILMEMBER FLOREEN:

27 OK.

28
29 BARB SOLBERG:

30 And a lot more impacts.

31
32 DOUG SIMMONS:

33 I think I would term--going to that 1.0-- staying away from V/C, what it does is allows the
34 intersection to function. It's not ideal, but it's keeping it at that-- keeping it from that
35 breaking point.

36
37 COUNCIL VICE PRESIDENT BERLINER:

38 But you said before it was at 1.3, so it was 30% over capacity. Now we're getting to
39 capacity, full capacity, so it is--

40
41 DOUG SIMMONS:

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1 It'll be--it'll be heavily utilized--

2
3 COUNCIL VICE PRESIDENT BERLINER:

4 It'll be heavily utilized, but it will not be 30% over capacity.

5
6 DOUG SIMMONS:

7 It will function.

8
9 COUNCIL PRESIDENT ANDREWS:

10 And what I heard was that the average delay in those times would go from 160 seconds to
11 80

12 seconds, so that's over a minute difference.

13
14 COUNCIL VICE PRESIDENT BERLINER:

15 Reducing that by half.

16
17 COUNCIL PRESIDENT ANDREWS:

18 That's an improvement. OK. All right.

19
20 BARB SOLBERG:

21 OK. I'll move on if there are no more questions.

22 OK. The next intersection is Maryland 355 at Jones Bridge Road. And again, we heard a
23 lot of comments about the cyclists and the pedestrians trying to cross at Woodmont
24 Avenue. There is a very wide, sweeping turn, so are going to look to tighten that radius
25 up, which will slow the cars down a little bit, hopefully improve the crossing at that
26 intersection. Again, we're going to--we're going to provide a wider buffer along Jones
27 Bridge Road. We met with the community of Glenbrook, and there is room to kind of
28 meander the sidewalk in that area, so we'll be looking to do that.

29
30 COUNCIL PRESIDENT ANDREWS:

31 Councilmember Floreen? No?

32
33 BARB SOLBERG:

34 If we don't have a five-foot buffer--which I think we might, actually, along the Navy side.
35 We'll be increasing the buffer between the sidewalk there. Again, we looked at the
36 widening--we were extending that right-turn lane slightly. The benefit compared to the cost
37 was not that great, so we'll be eliminating the widening along northbound Maryland 355.
38 Again, what we're looking at here is dynamic lane controls. What's out there today is a left-
39 turn and three through lanes. In the PM peak, you really don't need
40 three through-lanes, so again, if we can kind of study this nationally and see if anybody is
41 doing it and learn what the safety concerns were, how they sign it, what we'd really like to

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1 do is convert one of those through lanes to a left-turn lane in the PM peak only. The whole
2 purpose of this intersection improvement is to add an additional left lane, and that's why
3 we were widening. If we can get this to work, we could eliminate any widening at this
4 intersection, so we're really looking at a low-cost improvement at this intersection, if we
5 can get it to work.

6
7 COUNCIL PRESIDENT ANDREWS:

8 I think dramatically-- dramatically improve it if you can double the left-turn lanes.

9
10 BARB SOLBERG:

11 Right.

12
13 COUNCIL PRESIDENT ANDREWS:

14 Councilmember Floreen.

15
16 COUNCILMEMBER FLOREEN:

17 Well, I guess I have a generic question about this stuff. You know, I think it's really good
18 work and interesting. I'm really pleased about the attention to pedestrian crossings and
19 the like. My question is, I guess for Dan--how does this impact our traffic management
20 planning up and down the corridor, particularly at this one, for Bethesda? If you change,
21 you know, the timing here it affects everything else. Have you-- have you thought about
22 that?

23
24 DAN HARDY:

25 I mean, from a progression standpoint, that's really a question for the County DOT, and
26 they work with State Highway on phasing and timing of signals. From a Master Planning
27 perspective, generally, this is something that is helping the situation by, you know, the
28 more we can do with dynamic lane control, the more we're getting efficiency out of the
29 pavement that's there.

30
31 COUNCILMEMBER FLOREEN:

32 So--

33
34 DAN HARDY:

35 This is a step in the right direction.

36
37 COUNCILMEMBER FLOREEN:

38 I see Mr. Holmes is here. I see Mr. Gonzales is not here. I'd just be--I'd like to hear from,
39 at some point, from the County, once this is all resolved, what the implications are for
40 everything else. I mean, the feds don't go through our traffic tests, so you're doing your
41 best to address the issue here, and I think it is really important. What I'm wondering-- I'm

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1 just curious as to the implications for the other intersections that are not a part of this
2 improvement effort, so if we could put that on the list to follow up on.

3
4 DAN HARDY:

5 I would just add that what the state's been doing is looking at making sure that, you know,
6 what they call the bandwidth, the amount of time for the main flow to progress, is
7 maximized, so again, in that regard, that's helping the other intersections up and down.

8
9 COUNCILMEMBER FLOREEN:

10 Yeah. So

11 that ought to help, generally. Yeah. Anything would help-- anything. OK. Thanks.

12
13 COUNCIL PRESIDENT ANDREWS:

14 Thank you. Council Vice President Berliner.

15
16 COUNCIL VICE PRESIDENT BERLINER:

17 While you have this slide up, one of the conversations we've been having does relate to
18 NIH's property. We understand that there's some right-of-way there that could be available
19 to us for things like an extra bus lane. So from my perspective, one of the issues that I
20 hope we're able to engage you on is whether or not--again, given our desires to have bus
21 rapid transit in White Flint--is how we can leverage what we're doing in White Flint, what
22 the opportunities are here to create more mass transit options. So I hope you would be
23 our partner in looking at that.

24
25 COUNCIL PRESIDENT ANDREWS:

26 Councilmember Elrich.

27
28 COUNCILMEMBER ELRICH:

29 I was wondering whether the state has done, for example, a full Synchro analysis of the
30 Pike, say from Bethesda out at least to the stuff we've planned as far as even Shady
31 Grove, because we've got this enormous proposals, and no one is looking at them
32 cumulatively. We're pretending that each little isolated area is only and isolated area, and
33 the Planning Board has not been willing to do a comprehensive study of this, and I'm
34 wondering whether we could get assistance from the state in doing an analysis where you
35 could look at the numbers that are being proposed and we can actually say, you know,
36 "This is what it's going to look like," and make some realistic decisions or at least know
37 what it is--when we make a decision, what the realistic impacts are going to be of the
38 proposed levels of development all the way up and down, because you're a small part of
39 the problem. You're not--you know, we had a problem on Rockville Pike before you did
40 anything.

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1 BARB SOLBERG:

2 And I don't know that--we have looked at it. I don't know the total distance we've looked at
3 it, but we have looked at it from a Synchro aspect, with the intersections that we are, at
4 least, improving and, a few beyond.

5
6 COUNCILMEMBER ELRICH:

7 I mean, I appreciate--I know the tools you're using, and I appreciate the fact that you're
8 using V/Cs and delay factors rather than the stuff that we use, because I think it's much
9 more meaningful. It gives people a better picture of what's actually going to happen to the
10 roadways. But I would--I would really like to talk with you about, can we really get a full-
11 blown picture of what's being envisioned here?

12
13 DAN HARDY:

14 I'd like to add that we do recognize that Synchro is a great tool. The question is the
15 resources that any department would have to look at a, you know, a County-wide or even
16 a 10-mile stretch for a long-range planning. We, of course, do use relative arterial mobility
17 in our forecasting, so the White Flint work we're doing does look at the growth up and
18 down the corridor, but you're absolutely correct that we're not using Synchro because we
19 don't find that that's a resource--a wise use of the County's resources in that long-range
20 planning.

21
22 COUNCILMEMBER ELRICH:

23 We use CLVs, which are a wholly inaccurate way of displaying what's happening in traffic,
24 and relative mobility--when you measure all the trips out of a policy area, as opposed to
25 trips from point A to point B, and the only relative that matters is how long it takes to go
26 from point A to point B, not all the trips out of a policy area by bus and all the trips out of a
27 policy area by car. That is absolutely irrelevant to deciding whether or not a
28 transit link works. So, yeah, we use--we have a measure, but that measure doesn't tell
29 you anything about capacity or functioning of the road. It tells you simply, if I leave Aspen
30 Hill, my average trip by car is this, and my average trip by transit is this. It doesn't say
31 anything about where I'm going when I leave Aspen Hill. It's not a very useful tool for
32 telling people what the Pike is going to be like.

33
34 DAN HARDY:

35 We'll look forward to continuing those discussion with you on the growth policy.

36
37 COUNCIL PRESIDENT ANDREWS:

38 OK.

39
40 BARB SOLBERG:

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1 OK. I'll move to our fourth intersection, which Connecticut Avenue, Maryland 185, at
2 Jones Bridge Road. We met--actually, we met with almost all the communities at a
3 meeting that sponsored at Howard Hughes--hosted by Howard Hughes.

4
5 COUNCIL VICE PRESIDENT BERLINER:

6 I hear it was such a fun meeting. I was so sorry not to have been there.
7

8 BARB SOLBERG:

9 It was delightful, yes. But--no, we heard a lot of good comments, and we went back to the
10 office, and we assessed--again, we had to start with something, so we assessed the
11 impacts and the costs, and we heard that, you know, if you're heading northbound on 185,
12 you want to make a right turn, right-hand turn, everybody uses Manor Road, and that's
13 true. So we analyzed the intersection with the right-hand turn and without it. With it, the
14 right-hand turn, it does give you an improvement. It's not a significant improvement
15 compared to the cost, so we are going to eliminate that right-hand turn along northbound
16 Connecticut Avenue. We also heard, you know, why can't you look at a few more options,
17 and we've actually-- we are looking at a few more options. When--when this was --these
18 concepts were developed in the planning stage, to be honest, they didn't have the time to
19 look at innovative ways to achieve the same goal. OK? That's something that we're doing
20 right now. So we are looking at reversible lanes. We're looking at removing the median
21 along Connecticut Avenue and making it a reversible lane, so you'd have that additional
22 lane in the southbound direction in the AM and then in the northbound direction in the PM.
23

24 COUNCIL VICE PRESIDENT BERLINER:

25 That's a big deal.
26

27 BARB SOLBERG:

28 It could be. Reversible lanes are more geared toward longer corridor type areas, not just
29 kind of an intersection, but we're still looking at it.
30

31 COUNCIL VICE PRESIDENT BERLINER:

32 Because when we do this, when we go into the District, obviously, on Connecticut
33 Avenue, it really flows very well. What stands in our way of achieving comparable results
34 for our community?
35

36 BARB SOLBERG:

37 Well, we don't know that anything does right now. Like I said, we're still looking at it.
38

39 COUNCIL VICE PRESIDENT BERLINER:

40 OK. That would be a real big deal.
41

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1 GLENN ORLIN:

2 How would you handle pedestrian crossings there, without a refuge?

4 BARB SOLBERG:

5 Well, that's one of the questions. Pedestrians would probably suffer as a result of it,
6 because you are removing the median, and it does provide a pedestrian refuge.

8 COUNCILMEMBER ELRICH:

9 I got a question. I mean, I go downtown on Connecticut Avenue, and I know what that's
10 like with the reversible. If I cross at a light and if I allow adequate time to for crossing at a
11 light, as opposed to, you know, forcing you to run to--so you don't impede traffic flow, with
12 adequate time, I don't know why people crossing at lights need a refuge. It's not--

14 GLENN ORLIN:

15 You don't if you have adequate time.

17 COUNCILMEMBER ELRICH:

18 Since, you know--but should we look at it the gain--

20 GLENN ORLIN:

21 If you give it adequate time, the question is, are you giving enough green time to the traffic
22 that you're trying to process with the reversible lane? It's a trade-off.

24 COUNCILMEMBER ELRICH:

25 I was going to say, you have to weigh that against the reversible lane's ability to carry
26 more capacity and provide a smoother flow against a slightly longer delay. But I will say
27 that on Connecticut Avenue, it works great, and I've never--in areas with heavy retail,
28 people go to lights and get across, and I have yet to see anybody smeared across the
29 road.

31 DAN HARDY:

32 There are some community access issues about left turns and some urban design issues
33 as well, so I think that --you know, I would agree as a transportation planner that
34 reversible lanes are very efficient, and when you have a very directional flow like this. We
35 have a Master Plan in Montgomery Hills, though, that says we want to find a way to put
36 the median back in and make sure that we have four lanes in one direction and three
37 lanes in the other. There has been a lot of discussion--and we might start discussing it
38 again in another year--about the Colesville Road reversible lane and, you know, if we're
39 going to look at bus/rapid transit options there, what happens to the median is--again, as a
40 planning--a transportation planner's hat, very easy to say, well, you could take that out.

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1 Working with the community, I don't know if you've yet--if the community has not heard
2 that proposal yet, there might be some push back on left turns.

3
4 COUNCIL VICE PRESIDENT BERLINER:

5 I do see some shaking heads,
6 so...

7
8 DAN HARDY:

9 So an idea to be looked at further.

10
11 COUNCIL PRESIDENT ANDREWS:

12 To be continued, then. OK. Go ahead.

13
14 BARB SOLBERG:

15 OK. Our original proposal along eastbound Jones Bridge Road--there are four existing
16 lanes out there today. Our proposal included adding two more lanes. One included a right-
17 turn lane. And we went back and we analyzed that, and again, it does provide a benefit,
18 but compared to the cost, it's not that significant, so we will be removing one of the
19 additional lanes along eastbound Jones Bridge right north of Howard Hughes. We've
20 heard a lot of comments about children crossing at the school, and our proposal originally
21 was to carry--right now, there are two existing through lanes, and they end. One merges
22 into the other one just prior to the school, and you can see on our original proposal that
23 we were planning on merging that lane after the school, and we've heard a lot of feedback
24 that, you know, making that roadway wider to cross at that intersection is not ideal. So we
25 are looking to merge that lane back in where it merges today. We're going to include a
26 three- foot buffer, again, where we can. Some places, it doesn't make a lot of sense to do,
27 but some places it does. Again, I said we were going to eliminate one of the lanes on
28 east-- whoops--eastbound Jones Bridge. So we eliminate that lane. Then we were
29 contemplating, well, do we--do we make that other lane an exclusive right, or do we make
30 it a shared right and through, and we ran the numbers, and if we make it an exclusive
31 right, we only have one through lane. The queues back on Jones Bridge would increase
32 from 400 feet to 600 feet. So we do need that additional through lane, unfortunately. And
33 then we, like I said, we plan on merging it prior to getting to the school. At the meeting at
34 Howard Hughes, we were asked, "Why can't you take out the median? It's fairly wide,"
35 and it is, and so we are looking at using that median for most of the widening among the
36 northbound-- northbound side, which may eliminate the widening on the east side, which
37 may negate the need to relocate those residents. Again, we're not complete with our study
38 yet, but we are looking into it. And that's my presentation. If there are questions...

39
40 COUNCIL PRESIDENT ANDREWS:

41 Thank you very much. Councilmember Floreen.

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1
2 COUNCILMEMBER FLOREEN:

3 Well, I just wanted to say, I saw that proposal to relocate the residences. We did that once
4 before when we moved the entrance to Connecticut Avenue --to the Beltway from that--
5 forget the name of the side street.

6
7 DAN HARDY:
8 Kensington Parkway?

9
10 COUNCILMEMBER FLOREEN:

11 Kensington Parkway on to Connecticut, so those folks have been through this before.
12 That was always the issue--you gave folks the option. So always a challenging
13 environment to live next to the highway, isn't it? Yeah.

14
15 COUNCIL PRESIDENT ANDREWS:

16 Thank you, Councilmember Floreen. Council Vice President Berliner.

17
18 COUNCIL VICE PRESIDENT BERLINER:

19 One, let me thank you for this presentation, and I'm sure we'll be consulting, and I'm sure
20 you'll be hearing from the community with respect to it, but I--without commenting on any
21 of the specifics, I do get that you're listening, and I'm grateful for that, and I'm sure the
22 community is, and I'm sure that going forward, you'll continue to, and we do have a
23 partnership here, and that's very, very important to us. I also wanted to observe that, as
24 I'm sure you are aware, there are other proposals out there-- significant proposals that are
25 looking at Beltway access and things of that nature that I know your people have been
26 briefed with respect to and are looking at the possibility of. We've been shown some
27 pictures of, and we're not in a position to comment on it, you're not in a position to
28 comment on it, but I think it's important to recognize that there are other proposals out
29 there that would have the potential to take traffic off Wisconsin Avenue, that would
30 actually, theoretically, make life better for people as a function of some of the things that
31 are under consideration. So at the point in time when you're in a position to share your
32 thoughts with us with respect to that, we look forward to it. It certainly seemed interesting.
33 We're not in a position to pass judgment on it, but it is not an insignificant approach to
34 these sets of issues. So, I just--I felt like there was an elephant in the room that we weren't
35 quite naming, and I felt we needed to at least acknowledge that there is something else
36 going on out here.

37
38 COUNCIL PRESIDENT ANDREWS:

39 OK. Thank you, Council Vice President, and thank you very much for the detailed
40 presentation. I think it's important that it was televised, as well, so the community can see

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1 it and be able to replay it if necessary. And appreciate all of you being here this morning
2 and this afternoon. Have a good rest of the day. Thank you.

3
4 MARLENE MICHAELSON:

5 The council was also supposed to get a briefing from Park and Planning staff, so I don't
6 know whether you want to...

7
8 COUNCIL PRESIDENT ANDREWS:

9 OK. I'm sorry. All right. Well... All right. Very good. I'm sorry about that.

10
11 DAN HARDY:

12 I think I already said what I was going to say early on. I kind of jumped into the first row
13 here. So we were really just going to kind of talk about what the things we are doing on
14 the land use planning side, as well as our work with the transportation planning side. I
15 don't know that I have anything more to really add--no slides--but if you have any
16 questions...

17
18 COUNCIL PRESIDENT ANDREWS:

19 OK. All right. I'll canvass my colleagues and see if there are any questions that we'll direct
20 to you, Mr. Hardy, and thank you very much.

21
22 DAN HARDY:

23 Thank you.

24
25 COUNCIL PRESIDENT ANDREWS:

26 Thank you all. We'll be back at 1:30 for our public hearings.

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TRANSCRIPT

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MONTGOMERY COUNTY COUNCIL

PRESENT

Councilmember Phil Andrews, President

Councilmember Roger Berliner, Vice President

Councilmember Marc Elrich

Councilmember Valerie Ervin

Councilmember Nancy Floreen

Councilmember Michael Knapp

Councilmember Nancy Navarro

Councilmember Duchy Trachtenberg

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1 COUNCIL PRESIDENT ANDREWS:

2 Good afternoon, everybody. We are going to begin the afternoon session. We have
3 several public hearings that also have actions associated with them, also. So we'll be
4 moving forward on that, and then at 2:15, we have a briefing scheduled on the status of
5 federal stimulus funds for Montgomery County, so we have a fair amount to do, and we
6 have--I see Councilmember Elrich is there, as well. If he can join us up front-- and we
7 have couple of other Councilmembers that will be joining us shortly, as well. We ran over
8 our morning session some, so we've been trying to get back on schedule and will try to
9 expedite some of the business this afternoon. But I did want to start out with a very sad
10 announcement, and that is that our former colleague, former County Councilmember Blair
11 Ewing died today, and we--after a long illness, and we remember Blair very fondly. Blair
12 Ewing, I think, in the annals of Montgomery County, probably did more for public
13 education than anybody else, served on the School Board for 22 years--unparalleled level
14 of service and length of service--had a very productive term here on the County Council,
15 including service as President of the Council, and was until very recently serving as a
16 member of the state Board of Education and doing good work there, as well. Our thoughts
17 go out to Marty, his spouse, and his family and his children, and all the community mourns
18 the loss of Blair Ewing. He was a wonderful person, and we will miss him greatly. We're
19 going to begin with a public hearing on Bill 26-09, Domestic Violence Coordinating Council
20 - Membership. We have action scheduled at the conclusion of the public hearing, or public
21 hearings, and we have one person here to testify on this bill, and that is Judge Marielsa
22 Bernard, who is the Chair of the Montgomery County Domestic Violence Coordinating
23 Council, and I can say firsthand that the Council has done great work under her
24 leadership. I represent the Council on the Council, and Judge Bernard has done a
25 wonderful job of leading the Domestic Violence Coordinating Council. And I will turn to
26 her. Judge, I don't know if you've actually had a chance to testify here since we moved
27 into this--since we renovated the room, so the button that you push on your very left on
28 the bottom, turn on the microphone. There you go.

29
30 JUDGE MARIELSA BERNARD:

31 OK.

32
33 COUNCIL PRESIDENT ANDREWS:

34 And when the yellow light starts flashing, you got 30 seconds left.

35
36 JUDGE MARIELSA BERNARD:

37 OK. All right.

38
39 COUNCIL PRESIDENT ANDREWS:

40 Just so you know.

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1 JUDGE MARIELSA BERNARD:

2 Well, thank you very much.

4 COUNCIL PRESIDENT ANDREWS:

5 OK.

7 JUDGE MARIELSA BERNARD:

8 All right. Good afternoon, President Andrews and members of the County Council. I'm
9 Marielsa Bernard. I'm here on behalf of the Montgomery County Domestic Violence
10 Coordinating Council --DVCC, for short--to support Bill 26-09 which seeks to alter the
11 membership of the DVCC by adding an additional 16th member who will represent the
12 Montgomery County Board-- Montgomery County Public School Board of Education.
13 Hannah Sassoon, who is the Montgomery County Domestic Violence Coordinator and the
14 director of the Family Justice Center, is directly behind me, and she is also here in support
15 of this bill. Now, I have been the Chair of the DVCC since its inception three years ago,
16 and through our various projects, we have worked hard towards reducing the incidence of
17 domestic violence and creating a safe community in Montgomery County for families to
18 live free of abuse, and one of our current priorities is developing domestic violence
19 projects targeting the youth in Montgomery County. And I don't know if any of you have
20 heard these very frightening statistics, but Liz Claiborne and the Family Violence
21 Prevention Fund just released statistics on June 10, 2009, which indicate that one out of
22 three teens in the United States reports that they have suffered either physical or sexual
23 or threats of physical violence in a dating relationship. And unfortunately, I can say on a
24 personal basis that, as a judge in the Circuit Court, that's something that I've seen all too
25 often--not just in juvenile court, but also in family court. Now, the DVCC feels that
26 intervention to reduce teen dating violence is absolutely necessary. Our goal is to reach
27 out to teens, to educate them about healthy relationships, as well as how to identify early
28 signs of unhealthy relationships and how to access services. We currently have started a
29 Teen Dating Education Initiative in both the middle and high schools in Montgomery
30 County, and we're working on holding a Healthy Teen Dating Conference, which is going
31 to take place at Montgomery College on November 14. Now, while planning and
32 developing all of these youth-orientated projects, it became very clear to all the members
33 of the DVCC that we could really utilize the involvement, the expertise, the help, the
34 guidance of a MCPS Board of Education member, and as such, we really hope that you
35 will give Bill 26-09 serious consideration. I thank you very much for your attention, and
36 good afternoon. Thank you.

38 COUNCIL PRESIDENT ANDREWS:

39 Thank you, Judge Bernard, and we'll be taking up the bill just a little later, during the
40 Legislative Session, which will follow the public hearings, and I--I believe that the 16th
41 member will be there pretty soon. So thank you for your advocacy and good work. All

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1 right. We're now going to move on to a public hearing on a resolution to amend the
2 amended Silver Spring Urban Renewal Plan-- pedestrian bridge to the proposed Silver
3 Spring library. And let me read what I'm supposed to read here, which I didn't do on the
4 first one. Persons wishing to submit additional material for the Council's consideration
5 should do so before the close of business Thursday, July 16, 2009. A joint Planning,
6 Housing, and Economic Development and Health and Human Services Committee
7 worksession is tentatively scheduled for Tuesday, July 21, 2009 at 2 o'clock. We have
8 eight speakers signed up for the hearing. I'll bring them up in two panels. The first panel
9 will be David Dise, representing the County Executive, Lois Newman, representing the
10 Montgomery County Public Library Board, Darian Unger, representing the Silver Spring
11 Citizens Advisory Board, Cindy Buddington, representing the Commission on People with
12 Disabilities, and Erwin Mack, representing the Montgomery County Pedestrian Traffic and
13 Safety Advisory Committee. So if each of those individuals would come up front. Each of
14 you has up to three minutes for your presentation. Yellow light goes on with 30 seconds to
15 go. Then please wrap up if the red light goes on. There may be questions, so please stay
16 at the table until everyone has spoken. And we'll begin with Mr. David Dise, representing
17 the County Executive.

18
19 DAVID DISE:

20 Thank you, Council President Andrews. For the record, my name is David Dise. I'm the
21 director of the County's Department of General Services, and we are responsible for the
22 design and construction of County facilities, including the Silver Spring library. I won't
23 belabor the situation of the library except to summarize that it's at the corner of Fenton
24 and Wayne. It includes both public library space as well as art space and County office
25 space, for a total of approximately 100,000 square feet of public use on that site. The
26 library has gone through significant public outreach during each step of the design
27 development, including a number of community charettes--four, specifically--and then the
28 final design of the library and the residential development that resulted in the most
29 economical and effective approach. The site option that was selected utilizes the existing
30 parking at the Wayne Avenue Garage, which will result in significant savings to the project
31 and is more environmentally sustainable. We're now going through a final series of design
32 meetings with the community for the library building itself. Throughout the design process,
33 there has been an ongoing consideration and concern for pedestrian safety and access to
34 the site, including safe and pedestrian-friendly intersections. There are five important
35 public objectives that we've tried to pursue throughout this process. The first is that the
36 library programs, in collection with a strong emphasis on the disability community, provide
37 easy access for the elderly and disabled. The importance of reasonable, safe, and fair
38 access for this community was recently highlighted when the Council was dealing with the
39 issue of mobility for the visually and physically impaired with pavers in sidewalks. It's
40 interesting to note that the Motor Vehicle Administration, which includes certain visual
41 impairment-- lacking the ability to walk without assistance or without stopping for 200 feet--

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1 -the pedestrian bridge allows for this, whereas street access from the parking garage up
2 to the intersection and then down to the library would not. Number two, that the solution
3 be fiscally responsible. While the bridge cost \$750,000, the--it's compared to the on-site
4 handicap parking, which would be estimated to cost \$3.5 million and below-grade parking
5 of 6.5--3.5 for at grade, and 6.5 if below-grade parking is used. Number three, that the
6 County's efforts promote mass transit. This is, in fact, going to be the most transportation-
7 friendly building the County owns or operates. And number four, the parking access
8 solution must not shift the economic burden from the CBD, and the parking access
9 solution must be available the day the library opens. This is a project that is in keeping
10 with effective urban design and utilizing existing resources, and we urge the Council to
11 consider the amendment to the Silver Spring Central Business District Urban Renewal
12 Plan.

13
14 COUNCIL PRESIDENT ANDREWS:

15 Thank you, Mr. Dise. Our next speaker is Lois Newman.

16
17 LOIS NEWMAN:

18 President Andrews, Vice President Berliner, and Councilmembers, I am Lois Newman,
19 Chair of the Montgomery County Library Board, and I wish to express my strong support
20 for the construction of a pedestrian bridge across Wayne Avenue for access to the new
21 Silver Spring library. The bridge will be necessary for the safe and convenient access by
22 many patrons--for disabled individuals, the elderly, mothers with young children, and
23 multitaskers who have too much to carry. The bridge provides a reasonable and safe
24 access for elderly, disabled, and all customers to use it to its fullest extent. The new Silver
25 Spring library can only keep our residents engaged, occupied, informed, and educated if
26 they can access the facility. The bridge offers a safe and pedestrian-friendly alternative to
27 bring pedestrians and cyclists to the new Silver Spring library. It is the best alternative that
28 takes advantage of the County's already built infrastructure, the Wayne Avenue Garage,
29 and demonstrates good fiscal oversight. I urge you to support this pedestrian bridge,
30 which is the proper solution for safe and convenient access to the new Silver Spring
31 library. I have nothing to say regarding the specs. That's already been done beautifully
32 before me and by others who have already come, and all I want to do especially is to just
33 go on the list of being a supporter of this bridge. Thank you.

34
35 COUNCIL PRESIDENT ANDREWS:

36 OK. Thank you, Dr. Newman. Our next speaker will be Darian Unger.

37
38 DARIAN UNGER:

39 Thank you very much. My name is Darian Unger. I'm Chair of the Silver Spring Citizens
40 Advisory Board and the Silver Spring Pedestrian Safety Committee. Thank you very much
41 for considering our opinion, and what I hope to do is to represent the community in

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1 strongly opposing amending the renewal--the renewal plan because what it essentially
2 does is guts it so that you can build a sky bridge, or pedestrian walkway. Our opinion is
3 based on community sentiment. We've had many community meetings with residents,
4 with local businesses, with library patrons, with County staff, and in this case, a clear
5 consensus has emerged. There are many reasons to oppose. The bridge is a nice idea,
6 but there are also many reasons to oppose it, and I'll--what I'd like to do is run through
7 what I can and then trust that you'll be able to read the rest, in blue. But one of our main
8 concerns is --is that of sustainability and smart growth. I mean, Mr. Dise mentioned
9 sustainability, but in fact anybody--any champion of smart growth or sustainable
10 development would oppose the pedestrian bridge because the pedestrian bridge is
11 basically the opposite of smart growth. There's an existing prohibition against skywalks,
12 and it's there for a reason. This is not the 1960s, we're not in a Jetsons cartoon, and by
13 and large, these sorts of things have been urban failures, especially here. We're not trying
14 to cross Rockville Pike. We're not trying to cross a major highway. This isn't downtown
15 Silver Spring, and specifically, you know, this is an area where we are trying to get a lot of
16 street-level vitality, trying to--to create a more open neighborhood with a lot of businesses
17 and a lot of walkers, and instead, this basically has people going like hamsters in a tube.
18 It's the exact opposite of the sort of walkable transit- and pedestrian-oriented community
19 we're trying to do and really takes a step backward towards Crystal City, and not toward
20 the open community that we're trying to build. So from an urban-planning perspective and
21 from a community perspective, this is the exact opposite of--of what we want. Now, we're
22 also extremely concerned about safety and accessibility, except we think that the
23 arguments so far have been exactly backwards. This actually makes things less safe.
24 The--we insist, in fact, that the Silver Spring library be safe--be safely accessible to
25 everybody. Luckily, we already have an ADA-conforming parking lot right across the
26 street, and the library itself will, of course, follow similar guidelines. But what we do not
27 need is a bridge connecting the two. What we need is a safe, ground-level crossing. And
28 what the County basically is saying here is, eh, well, the street is kind of hard to cross
29 right now, so rather than fixing the problem, we'll just build a bridge, and--and that
30 basically is good for people who drive to the library and bad for everybody else who will
31 still end up being--will still end up being at street level. There are other reasons, but I'm
32 out of time. So thank you very much for-- for considering.

33
34 COUNCIL PRESIDENT ANDREWS:

35 Thank you very much, and we can read the rest of your testimony. Our next speaker will
36 be Cindy Buddington. Let's see...Yes.

37
38 CINDY BUDDINGTON:

39 Can you hear me now? OK. All right. I'm Cindy Buddington, and I'm Chair of the
40 Commission on People with Disabil--with Disabilities. And I want to thank you for letting us
41 speak regarding access issues at the new Silver Spring library. Input for County projects

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1 from our Commission can help the implementing departments to provide the kind of
2 infrastructure necessary to make our roads and sidewalks accessible and safe for--
3 excuse me--for all the residents of Montgomery County. The Commission has input with
4 DOT into the recent completion of the pedestrian improvement made by the Department
5 of Transportation to Second Avenue in Silver Spring, and that was a great step forward in
6 pedestrian safety. We all want to thank Don Scheurmann and the entire Department of the
7 General Service and Department of Transportation for requesting our input on the Silver
8 Spring library project walkway for the library prior to construction. He has done this before
9 with Silver Spring transit operation sites, and as a result, the County and the state added
10 many features that would improve access for people with disabilities, as well as the entire
11 community. We understand that the County's primary rationale is not one solely of safety.
12 It is primarily one of accessibility and sustainability. The use of the existing underutilized
13 parking garage is a green decision which saves the use of materials and taxpayer dollars
14 which would have been otherwise needed to provide new on-site parking for the library.
15 The disadvantage of utilizing the existing garage is greatly increased travel path to the
16 library for many patrons including, but not limited to, the elderly and disabled, who may
17 need the disability parking spaces there. The bridge is being proposed to address this
18 concern. FYI--one of the eligibility requirements to obtain a disability placard is that you
19 cannot walk more than 200 feet without stopping to rest. The distance from the parking
20 garage via the walkway is 189 feet. The distance from the garage, going around by street
21 level, is over 300 feet. With respect to the walkway and elevators to be used in accessing
22 the library, for persons who are blind or have visual impairments, we are concerned about
23 the level of accessible signage and way-finding. Those with vision issues will need to find
24 and understand the existence of the walkway, the elevators, and how to travel to the
25 library, and knowing where to go once inside--in short, a combination of large-print Braille
26 and audible instructions would be helpful to those who do not see the route. Once inside
27 the building, persons who are blind should be able to locate the elevators to go to the
28 library and have large-print Braille and audible information available to them in finding--
29 whoops, I'm way over--in finding the library.

30
31 COUNCIL PRESIDENT ANDREWS:

32 I'm going to have to stop you there, but we can--we will definitely read the rest.

33
34 CINDY BUDDINGTON :

35 OK. Yeah. Yeah. But we're for the walkway.

36
37 COUNCIL PRESIDENT ANDREWS:

38 OK. Thank you very much. And our final speaker will be Erwin Mack, on this panel.

39
40 ERWIN MACK:

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1 Members of the County Council, I'm Erwin Mack, Chair... My voice is generally loud
2 enough without a microphone, but it's for the record, I suppose. Erwin Mack, Chairman of
3 the Montgomery County Pedestrian and Traffic Safety Advisory Committee. When we
4 were given this in February, I responded by reading to you something I'm not going to
5 read to you again because I already gave it to you once, and gave it to you again today.
6 We are opposed to the building of a pedestrian bridge, which has now taken on a new
7 nomenclature. And I'm eligible for both elderly and disabled, so all of a sudden, maybe I
8 take a different interest in this. I'm being somewhat facetious. We are not meeting again
9 as a Committee until July 9, and we cannot take any other position publicly until the
10 Committee has a chance to look at this again. Betsy Luecking is bringing some folks to
11 meet with us to soon reconsider this whole matter, and I can only say that it's going to be
12 on the agenda for the July 9 meeting, after which we will take another look at this and
13 possibly--and I can't speak for the Committee --reconsider it. But in the meantime, we
14 want to express our appreciation for the complete change of redesign on the ground level
15 for the access to the building after the first meeting, when we said, this is not acceptable.
16 So the folks did respond, in a very responsible matter, and we appreciate that. And I have
17 nothing further to say.

18
19 COUNCIL PRESIDENT ANDREWS:
20 That's OK.

21
22 ERWIN MACK:
23 I'll save my time for another time.

24
25 COUNCIL PRESIDENT ANDREWS:
26 All right. Thank you very much for your testimony, and just want to say --Councilmember
27 Ervin has a question, but just going to note to Miss Buddington that this morning, at the
28 beginning of the Council session, I spoke on behalf of the Council regarding the
29 contributions that Dr. Harold Snyder made to the community, and he served, as you know,
30 as one of the--your predecessors as Chair of the Commission on People with Disabilities,
31 and we know he will be greatly missed, and we appreciate your continuing on, you know,
32 and doing the good work that he and others have-- have done. So thank you for
33 representing the Commission.

34
35 CINDY BUDDINGTON:
36 Thank you very much for that. Appreciate that.

37
38 COUNCIL PRESIDENT ANDREWS:
39 You're welcome. Councilmember Ervin.

40
41 COUNCILMEMBER ERVIN:

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1 Thank you very much. Thank you all very much for your testimony. I'm going to start by
2 asking Miss Buddington a couple of questions. I really appreciate you coming on behalf of
3 people with disabilities, the Commission on People with Disabilities, and I appreciate your
4 point of view, but I wanted to ask a couple of questions about other libraries and how the
5 Commission thinks that we're doing as a County in this regard. For example, at the
6 Rockville library, could you speak to the way that people with disabilities get to the parking
7 garage right now from Rockville, from the parking garage into that library? Just as a way
8 to sort of see your point of view as it relates to the--to the bridge in downtown Silver
9 Spring.

10
11 CINDY BUDDINGTON:

12 OK. At this point, I don't drive-- I used to drive--so I'm not really sure where the parking
13 garage is. If I think I know where it is... You know, I mean, I guess they just cross the
14 street and use the sidewalk.

15
16 COUNCILMEMBER ERVIN:

17 Well, the reason I'm asking, yeah, because if you know much about the libraries--and you
18 probably do--around the County, most often, people do get there different kinds-- using
19 different kinds of modes of transportation. It could be the bus. It could be cars. But usually
20 they park someplace, and they have to manage to get themselves from whatever that
21 transportation is inside the library.

22
23 CINDY BUDDINGTON:

24 Right. Well, most of the libraries that I frequent are either, you know, on a bus route or,
25 you know, there's a parking lot that--I tend to wheel through the parking lot or whatever, if
26 I'm--you know, before, I would just drive and park. I think the--and most of the libraries that
27 I know of, you know, you park literally right there. So you don't have more than 200 feet to
28 walk, because the handicap parking is so close by.

29
30 COUNCILMEMBER ERVIN:

31 Right. I appreciate that because based on your answer to that, I want to go to David Dise
32 and ask him a couple of questions, too, about how the Executive branch is going to move
33 this process. So with or without a bridge, the intersection at Wayne and Fenton still needs
34 to be improved, and so, my question to you is, why move in this direction? You're saying
35 that the bridge would cost \$720,000. Something that I read in a packet not too long ago
36 had that figure at 800,000-plus, so can you speak to us about these improvements made
37 in tandem with the library's construction? Is that the way you envision this?

38
39 DAVID DISE:

40 Thank you. Yes. Absolutely. We do, in fact--the project anticipates, and the budget
41 includes, improvements to both the intersection of Wayne and Fenton, as well as Fenton

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1 and Bonifant as neighboring intersections. There already exists some of the way-finding
2 apparatus at the intersection, but as anyone who walks Wayne right in front of the library
3 site can see, there's a number of signposts, street signs, and other things that obstruct
4 pedestrian traffic. We have budgeted \$300,000 in the project--roughly \$100,000 per
5 intersection--to make intersection improvements and improve both pedestrian access. We
6 recognize that the library has two points of access-- street level as well as the proposed
7 bridge--and so the project budget does anticipate those intersection improvements.
8 Regarding the cost of the bridge, now that the project is into detailed design, we have a
9 better handle on what those costs are likely to be, hence the more refined price from what
10 was previously discussed.

11
12 COUNCILMEMBER ERVIN:

13 OK. I'm going to ask you another question that has to do with the options that were given
14 to us here at Council. And I always was very bothered by the fact that we got an either/or
15 kind of a--of a situation whereby if the Council decides to go against having the bridge,
16 then our other option that you all gave us was that, well, we have no other option than to
17 put underground parking at the library, when in fact, wouldn't --wouldn't there be another
18 option about possibly having on-street parking designated for individuals with-- with
19 handicaps?

20
21 DAVID DISE:

22 Well, there would be two options. One, which I mentioned, would be to put on-site
23 handicap parking. In order to do that in the sufficient quantity that would be necessary for
24 the building, you're literally putting that at grade and moving the building up a level, and
25 hence the \$3.5 million cost estimate. The other option would be a temporary parking area
26 on the site that will be used for the affordable housing and housing component on the
27 balance of the site immediately adjacent to the library, but that has a couple of drawbacks.
28 Number one, it's temporary, and in fact, in discussions with the Department of Housing
29 and Community Affairs, there is thought about actually moving that project forward on the
30 timeline so that if something were--were to be placed there temporarily, it wouldn't be
31 long. There is an alley between the library and an existing condo building. But it is an
32 alley. It doesn't afford a great deal of parking or accessibility. The intent is to have some--
33 mainly utilize that as a drop-off point, but it doesn't afford sufficient parking for what would
34 be anticipated as required by the library and its intended use. So that does limit our
35 options.

36
37 COUNCILMEMBER ERVIN:

38 How about whether or not you've considered installing a curb cut for drop-offs via car?

39
40 DAVID DISE:

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1 We have, in fact. Some of the earlier plans-- and I discussed with staff today. Those plans
2 are, in fact, in review. The plan right--the last plan that I saw and that we are intending
3 was some sort of a curb cut, both on Wayne and one on Fenton for drop-off points --book
4 drop-off as well as patron drop-off for temporary access. We're looking at, and we'll have
5 to coordinate with Department of Transportation on what the specific requirements of that
6 would be.

7
8 COUNCILMEMBER ERVIN:

9 OK. Well, as--as you know, the community is pretty much split on what they'd like to see
10 at this library, and I--and I want to ask--let me find my list--ask Miss Newman, who has
11 been a great advocate and representative of the Public Library Board, once again about
12 any other options that you all think you might--in the event that this bridge does not move
13 forward, what other kinds of options do you think would be amenable to library patrons, if
14 this bridge were not to be acceptable?

15
16 LOIS NEWMAN:

17 We listened very closely to all of our Library Advisory Committee members and as well as--
18 --and certainly our Disabled Resource Committee LAC. And Jeannie Dunnington is here
19 and will follow me in the next group of speakers, and she can personally address both
20 Silver Spring as well as Rockville access. We listened very carefully to the input that we
21 receive from all of our library users and then use that to factor our think-- to carve out the
22 direction of our thinking. Our focus is primarily safety and access, and so if our patrons
23 are telling us that a particular choice that's being presented is--will do both of those things
24 as well as being cost-effective and so forth, then we will certainly listen to it. I do--we do
25 not pretend to be designers, and every building has its own unique character, and
26 certainly its own community has its own culture and milieu and they decides what works
27 for them. But our primary focus is access and safety.

28
29 COUNCILMEMBER ERVIN:

30 OK. Well, thank you very much, and I'm going to close by asking one more question of
31 Darian Unger, representing the Silver Spring Citizens Advisory Board. Where are the
32 other advisory boards and commissions on this issue in Silver Spring? I didn't see
33 anybody here from the Urban District or from the Transportation Management District
34 come before the Council to give testimony. Do you have any idea?

35
36 DARIAN UNGER:

37 I don't know about the Transportation Management District, but the Urban District
38 basically was not opposed to the bridge if there was also a street--a safe street-level
39 crossing, as well. We, on the other hand, talked to many more community members and--
40 and came up with the conclusion that in fact there was, to some extent, a zero sum game
41 here--that in fact building a bridge, in fact, would in all likelihood make the--the intersection

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1 less safe, and many people had that concern. Many residents had that concern, and the--I
2 mean, and that includes the same sort of population that you're--that you're hearing from
3 and about. I mean, we're talking about families with children who are basically saying,
4 "Yeah, you know, we're in a downtown area. Crossing the street is a normal part of life.
5 We don't need a pedestrian bridge for that, but we do need a straight--a safe street-level
6 crossing, and that is the priority." And there are many less expensive ways to create safe,
7 accessible libraries than creating a bridge.

8
9 COUNCILMEMBER ERVIN:

10 OK. Thank you--

11
12 CINDY BUDDINGTON:

13 Could I-- could I just say something...

14
15 COUNCILMEMBER ERVIN:

16 Sure. Go right ahead, Miss Buddington.

17
18 CINDY BUDDINGTON:

19 ...on that, when you were asking me that question, is that, you know, when you have the
20 bridge, for--like when I used it. I would park and wheel across a bridge, and I don't have to
21 worry about the snow or the rain. I don't have to worry about distance. I don't have to
22 worry about, you know, traffic. And for people that have limited walking ability or are on
23 walkers or slow in crossing streets, that does become a safety feature. Also, you know, if
24 the weather is bad--you know, ice, snow --you know, I mean, there's a lot of limitations to
25 have to go from a parking garage-- because it takes time to get out of your vehicle. I
26 mean, for me to get my lift down and get out of my van, put the lift back up, is probably a
27 five-minute process, and once I get out on that lift, I'm in the weather, the element. So,
28 you know, that--that-- going into a garage to park is helpful. And then if I have to go down
29 the street and then across the street and back up, you know, that, again, is more out in
30 the element. I personally would think that parents with little kids and strollers and stuff
31 would rather go across a bridge then have to worry about crossing streets. I think it's good
32 to have the street as safe as possible, but I think there is benefit to the bridge. I mean,
33 that--when you asked me how would I do that--I mean, that's, to some degree, part of the
34 problem with the Rockville library, is the cobblestones. I mean, I don't go--I really don't go
35 to the Rockville library. I go to my Gaithersburg library because it's so much closer and --
36 and less bumpy. Whatever. So--but that you for letting me explain that in more detail.

37
38 COUNCILMEMBER ERVIN:

39 No, I appreciate that. Thank you very much. I'm done.

40
41 COUNCIL PRESIDENT ANDREWS:

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1 Thank you, Councilmember Ervin. Councilmember Floreen is next.

2
3 COUNCILMEMBER FLOREEN:

4 Thank you. I was thinking about this issue the other day when I was crossing the bridge in
5 Bethesda over Old Georgetown Road and then through the park over Garage 49 over to
6 the Bethesda Metro Center area. I don't think we've come to-- been able to resolve these
7 tensions between bridges and street movement. I am not a fan of this location for the
8 library for these kinds of reasons, and I wish we had that opportunity to have that
9 conversation again--not only for the crossing issues and all that, but also for the
10 community that it serves, because it's not just residents of the downtown area. Darian, you
11 live on my old street, so you can easily walk up there with your children. But--and you may
12 or may not --it's convenient to get over to the current library location, but for a lot of
13 residents, they're going to be in cars to get to the library, and it's going to make that
14 intersection movement even more complex than it already is. So that decision having
15 been made, I guess what I would like to hear--and, David, it doesn't have to be now, but
16 when we take this up, I think on the 21st, I'd like to know exactly what are the intersection
17 improvements anticipated for both the Wayne Avenue and Fenton Street crossing, but I'm
18 also wondering about the Georgia Avenue crossing, and especially at Wayne. That's
19 really a tough crossing, if you ask me, and if you're going to maximize pedestrian
20 movement in this whole vicinity, well, then, let's do it. That means changing the crossing
21 times, maximizing the amount of time it takes for pedestrians to move. Long-term
22 argument down in downtown Silver Spring about what the seconds need to be to
23 accommodate that movement. They've been able to do it in the District. I don't see why we
24 can't do it in Montgomery County, so I would ask you to talk with our traffic folks sitting
25 back there about how they propose to do that here, because I think that is a crucial issue,
26 whether or not the bridge is constructed. With respect to the bridge, I'd like to know also
27 how it's expected to be managed operationally. In Rockville, there are a bunch of spaces,
28 I think, pretty much associated with library use, and whether or not there would be
29 signage, you're going to limit access to certain kinds of spaces in that garage so that they
30 are available, not only to Cindy, but to everybody else who is there solely for the purposes
31 of going to the library. The tension between street movement and bridge crossing is ever-
32 present, and I think we need to design for both, having made this call about location,
33 which I think has, you know-- has been decided. So did--have you looked into the parking
34 space-control issue at this point?

35
36 DAVID DISE:

37 We have, and we'll discuss those at the Committee meeting. We've been--my staff has
38 been in regular communication with the Department of Transportation staff, both in the--in
39 the road and highway design as well as the parking lot district divisions of DOT to discuss
40 placement of--of handicap spots at the same level where the proposed bridge would be,
41 as well as what improvements need to be made precisely at the intersections to enable

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1 street-level pedestrian flow and improve those intersections. So we'll be prepared to
2 discuss those in detail on the 21st.

3
4 COUNCILMEMBER FLOREEN:

5 And promise me you're not going to put any more bricks down.

6
7 DAVID DISE:

8 There will be no bricks.

9
10 COUNCILMEMBER FLOREEN:

11 Or certainly not cobblestones.

12
13 DAVID DISE:

14 There will not be.

15
16 COUNCILMEMBER FLOREEN:

17 In either location. OK. Well, we'll work through the details, but I do think that this--it's the
18 locational decision that's driving these --these--these challenges, particularly because that
19 library does serve a large suburban community, that is, you know...it's going to be a lot
20 tougher for them to get to the library at this location than where it is currently.

21
22 DAVID DISE:

23 It does. And again, the programs associated with the library do, in fact, address the
24 community that we're talking about--the teen space as well as--as well as those who are
25 disabled. There's a lot of improved programs at the library. It's an exciting complex,
26 frankly.

27
28 COUNCILMEMBER FLOREEN:

29 Well, I'm sure you're doing your best, and I'm sure it will deliver that stuff. You also may
30 want to contemplate whether Long Branch will be in greater demand, in addition, because
31 of this, and I'm sure that will be something that you'll be taking a look at if--if you see that
32 activity occurring.

33
34 DAVID DISE:

35 We'll have Libraries at the meeting to address those questions.

36
37 COUNCILMEMBER FLOREEN:

38 Yeah. OK. Thanks.

39
40 COUNCIL PRESIDENT ANDREWS:

41 Thank you, Councilmember Floreen. Councilmember Elrich.

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1
2 COUNCILMEMBER ELRICH:

3 I would say, you know, first of all that I share Nancy's view that this library was put in the
4 wrong place, and I think it was put in the wrong place for the wrong reasons. And I'm sure
5 we're going to have a great facility when it eventually gets built, but you could have built a
6 great facility in any location. There's nothing peculiar about that location that made for a
7 great facility. In fact, we're spending a lot of time and energy working around the
8 constraints of that location. I have a problem with the arguments for the bridge because
9 they seem to be telling people it's so unsafe to cross this street, you'd better drive to the
10 garage and take the bridge across. Because what you're saying-- you know, not you
11 personally, but sort of the message out there is it's not safe for families, you know. People
12 with their kids shouldn't be going across this street, and so, if that's the message you
13 send, are you telling everybody to drive to the garage, and is that what we had in mind
14 when we did this-- or get off on the bus on the other side of the street? And now that's not
15 safe either. I mean, it just doesn't--the logic behind this does not make sense to me. It
16 seems to me, even if it's "only" \$720,000, an expensive solution to what could be solved
17 by light timing, and I don't for the life of me understand why you can have spaces in the
18 garage that people then use to get into the library via bridge, but that if the spaces are in
19 the garage and they have to cross the street, that that's not a viable option. You have to
20 put--you have to raise the building up a story, spend \$3 million, and put spaces under the
21 building. I mean, it doesn't follow that if it's OK to have spaces in the garage and that
22 distance itself isn't too far why it's not OK to have spaces in the garage across the street?
23 And I would rather have you address the safety issue with timing. Don't allow right turns
24 on red. Do an all--do an all-four cross like they do in some places where you can do the
25 diagonal cross with a long enough pedestrian period that people don't have to make two
26 turns to get across an intersection, but can make the diagonal cross. There are all kinds of
27 solutions to that problem that don't require spending \$720,000, and I'm sure we can think
28 of better things to spend \$720,000 on. And that would also, it seems to me, include
29 locating more handicap spaces on the ground floor on the garage, if that's an issue, and
30 making sure that the other handicap spaces are all located near the elevators in the
31 garage so that, you know, people don't have to walk. You know, the suggestion I've heard
32 is, "Well, they'll have to go down these long aisles in the garage, and it's not safe." Well,
33 then, just assign the spaces closest to the elevator, you know, to the handicapped. I
34 mean, so, to me, there are a lot less expensive ways to get where you want to be. I think
35 the bridge is a waste of money. I'm sure you can design it nicely, and I'm not averse to
36 bridges, period, because I think there's, you know, a time and place for them, but I think
37 this is not the time or the place for this bridge.

38
39 COUNCIL PRESIDENT ANDREWS:

40 Thank you. Councilmember Elrich. That does it for questions and comments for this panel,
41 and thank you very much for your testimony. And we have one more panel on this public

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1 hearing, and that group "B" will be Jean Dunnington, representing the Library Disability
2 Resource Center Advisory Council, Stephanie Subramanian, representing the Silver
3 Spring Library Advisory Committee, and Elise--I'm sorry, Alyce Ortuzar, representing
4 herself, speaking as an individual. And please join us at the table. Each of you will have
5 up to three minutes for your testimony. If you have any written testimony, please provide it
6 to the clerk to my left, and remember to press the button and introduce yourself as you
7 begin. And then please stay at the table for any questions that may come your way. When
8 the yellow light goes on, you have 30 seconds to go. OK, our first speaker will be Jean
9 Dunnington. You got it. JEAN DUNNINGTON:

10 My name is Jean Dunnington. I'm Chair of the Disability Resource Center Library Advisory
11 Committee, which is the liaison between the library system and people with any kind of
12 disability, and we are strongly in favor of the bridge across Wayne Avenue. I thank you for
13 this chance to bring up some--to discuss some of the concerns and to explain why we
14 think it's necessary. The concern that the bridge will pull traffic off the street is based on
15 the idea that the bridge will lead directly into the library. In fact, it leads into a lobby that
16 has elevators to the street, as well as the library entrance and the elevators to the County
17 offices and perhaps to meeting rooms. These elevators will function while the library is
18 closed. This means that the bridge is basically an easy and safe way to cross Wayne
19 Avenue from the upper floors of the parking garage. It doesn't matter whether you're going
20 to the Purple Line at 7 A.M. or a restaurant on Georgia Avenue at 9:30 P.M. or even to the
21 library during the library hours. The concern for safety can be addressed during--in the
22 design. We favor a covered and mostly enclosed bridge, but we would like clear siding
23 and good lighting. Security cameras in the bridge and lobby as well as in the parking
24 garage will be a deterrent to crime. The foot traffic itself will be another one. We also feel
25 that the bridge could serve as creating a gateway to the Fenton Street Village area and,
26 by its horizontal line, could balance the effect of the tall buildings on Wayne Avenue and
27 keep attention on the street level. We feel the bridge is necessary because the library
28 does not have street access. It's on the third, fourth, and fifth floors of the building, thanks
29 to the Purple Line. Everybody will have to take an elevator or possibly an escalator from
30 the street, but if you have disabilities, without the bridge, we can park in the garage, travel
31 several hundred feet, cross five lanes of traffic, and take an elevator. We can be dropped
32 off on the access point on the one-way lane that goes--that opens on another street,
33 which will be confusing, or we can block the curb area on Wayne while we get on and off.
34 If you offered that space to Target or any major resale, they would insist on the bridge
35 because they feel that access for their patrons is important. Please treat the library as--
36 with equal consideration and vote to amend the Master Plan. Thank you.

37
38 COUNCIL PRESIDENT ANDREWS:

39 Thank you, Miss Dunnington. Our next speaker will be Stephanie Subramanian.

40
41 STEPHANIE SUBRAMANIAN:

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1 Council President Andrews, members of the County Council, thank you for your time and
2 attention to today's testimony by the Silver Spring Library Advisory Committee. I am
3 Stephanie Subramanian, the current Chair of that Committee. We would like to take this
4 opportunity to express our continued support for the construction of a pedestrian bridge
5 connecting the Wayne Avenue parking garage with the new library. Our paramount
6 concern is the need for all library patrons to be able to safely cross Wayne Avenue at
7 street level, as well as to have safe alternate access via the proposed pedestrian bridge.
8 Many of the library's current and expected future patrons are vulnerable to the vagaries of
9 a complicated intersection filled with busy traffic carrying the many visitors to the Silver
10 Spring Central Business District and nearby retail, as well as commuters to Bethesda and
11 to the District of Columbia. The intersection is also the proposed site of a Purple Line
12 station, which adds further transportation complexity. The Library Department anticipates
13 a significant increase in the number of patrons at the new library and an increase in the
14 need for library services by the region's diverse population. Children's programs at the
15 current library are already filled to bursting. I've seen the heavy stroller traffic. I've seen
16 the caregivers lined up with 20 library books and more than one child. Many years ago, I
17 actually broke a stroller under the weight of the library books I was trying to carry. I don't
18 want to do that in the middle of Fenton or Wayne. The new library will also contain a
19 disabilities resource collection which will require safe and convenient access for many
20 individuals with diverse needs. The pedestrian bridge will allow the public to take
21 advantage of an existing County parking facility while providing ready access to retail on
22 both sides of Wayne Avenue, as well as to the library itself, an art center, and public
23 meeting space on the library site. In addition, the bridge could be adapted to fill many
24 auxiliary functions--signage to identify the library, public art space for a mural or a mosaic
25 incorporating the talents of the local art community, and/or a public notice board drawing
26 attention to the many cultural events that energize a revitalized Silver Spring. The library
27 has always served a diverse community. Through public outreach and the experiences of
28 its members, the Library Advisory Committee has concluded that the bridge is necessary
29 to ensure safe access for all members of the library community. Thank you.

30
31 COUNCIL PRESIDENT ANDREWS:

32 Thank you. And our final speaker on this public hearing will be Alyce Ortuzar.

33
34 ALYCE ORTUZAR:

35 My name is Alyce Ortuzar. I'm here to speak in opposition to what I consider to be an
36 economically expensive, unnecessary option being planned for a street considered
37 treacherously dangerous for pedestrians and raising serious concerns about the planning
38 process and contemplating a structure that will negate an economically robust
39 streetscape, in addition to the separation from people from one another, when you have a
40 bridge that just isolates individuals from one another and from the community. Certainly
41 the money can be better spent--maybe bringing back some of our laid-off Health and

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1 Human Services workers or providing more services to the disabled community. And they
2 do have other transportation options, which I think are important to attempt to see that
3 they can be integrated into--into these plans. I sat through a presentation of this building,
4 and what struck me most of all was, once again, some dinosaur mind-set is designing for
5 the automobile. And what we really need is a streetscape that is carefully planned, that is
6 attractive, that is economically robust, and that accommodates all populations and their
7 needs, whether it's making sure there are benches along the way for people to sit,
8 covered areas-- we could even have some of the high-school kids, maybe, make some of
9 these benches. And in terms of some of the other populations, with all due respect to the
10 elderly, the more exercise they and everyone else gets, the better. And in terms of parents
11 with young children, the younger age children are exposed to lifestyles such as walking
12 and riding bikes, the more they will inculcate that lifestyle. And we just need to have
13 planning that accommodates those healthy lifestyles. Thank you.

14
15 COUNCIL PRESIDENT ANDREWS:

16 Thank you. And there are no questions for this panel, so this concludes the public hearing,
17 and I thank you all for your testimony. And a Planning, Housing, and Economic
18 Development and Health and Human Services Committee worksession is tentatively
19 scheduled for July 21. We're now going to move on to a public hearing on the Wheaton
20 Central Business District Sector Plan Sectional Map Amendment G-883, which would
21 rezone approximately 7.5 acres in the Wheaton Limited Sector Plan area. The remaining
22 land in the SMA will retain its existing zoning classification. The map is available for
23 examination in the Council office, and that can be reached at 240-777-7929. Persons
24 wishing to submit additional material for the Council's consideration should do so before
25 the close of business Thursday, July 9. A Planning, Housing, and Economic Development
26 Committee worksession is tentatively scheduled for Monday, July 13 at 2 o'clock. And we
27 have two speakers for this public hearing--Gary Stith, representing the County Executive,
28 and John Cox, representing Avalon Bay Communities. Mr. Stith is our first speaker.

29
30 GARY STITH:

31 Thank you. Good afternoon. My name is Gary Stith, Deputy Director of the Department of
32 General Services, and I'm here to testify on behalf of the County Executive, Isiah Leggett
33 on the Wheaton CBD Sector Plan Sectional Map Amendment. This map amendment
34 formalizes the zoning recommendations in the limited amendment to the Sector Plan for
35 the Wheaton Central Business District and vicinity recently passed by the County Council.
36 The limited sector plan amendment provides for transitioning development between
37 higher-density, commercial-oriented uses in the CBD and lower-density residential uses
38 beyond the former Good Counsel High School site. The recommended zoning category of
39 CBD-1 will allow the kind of commercial, retail, and residential mixed uses the County
40 seeks in a Central Business District, and that will be supported by the market. It will also
41 provide the opportunity for additional moderately priced dwelling units and workforce

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1 housing. As you know, the Wheaton Sector Plan dates to 1990. Wheaton has not
2 benefited from recent updates as have other county urban centers, though we are
3 currently working with the Planning Board and their staff to update the Sector Plan. This
4 modest modification will bring immediate benefit to downtown Wheaton. The County
5 Executive supports this Sectional Map Amendment and would ask for your approval.
6 Thank you.

7
8 COUNCIL PRESIDENT ANDREWS:

9 Thank you. Our next speaker, and final speaker at this public hearing, will be John Cox.

10
11 JOHN COX:

12 Good afternoon. My name is John Cox, Senior Vice President of Development for Avalon
13 Bay Communities, Inc. Avalon Bay owns one of the largest portions of the property
14 subject to this Sectional Map Amendment and is currently known as the BB&T building. I
15 testified during the Limited Sector Plan Amendment public hearing that the rezoning of
16 this property to CBD-1 will enable Avalon Bay to construct a mixed-use project which is
17 made up of residential and retail, located near the Wheaton Metro Station. This plan is
18 consistent with what we proposed over four years ago and encompasses all the principles
19 of smart growth. Avalon Bay remains committed to redeveloping this property, even in the
20 midst of the current economic environment. To that end, we will be filing a project plan
21 application within the next several weeks. I would like to thank you, the Council, for
22 approving the Limited Sector Plan Amendment. In addition, we'd like to especially thank
23 the Wheaton Revitalization Advisory Committee, Councilmember Ervin, Park and
24 Planning, and the County Executive's office for their support of this action in recognizing
25 that transit-oriented development is good for Wheaton and Montgomery County as a
26 whole. Thank you again.

27
28 COUNCIL PRESIDENT ANDREWS:

29 Thank you, Mr. Cox. There are no--oh, there's a question. Councilmember Ervin, a
30 question or comment.

31
32 COUNCILMEMBER ERVIN:

33 Just a quick question of Gary Stith. Good to have you working in Wheaton. We're very
34 excited to have you there. I understand that Governor O'Malley had an announcement on
35 Sunday regarding a state grant for Wheaton. Can you elaborate on that, or does--is
36 anybody here from your staff able to tell us what that's all about?

37
38 GARY STITH:

39 I'm not aware of a grant. I think the designation was of Wheaton of a "priority place."

40
41 COUNCILMEMBER ERVIN:



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1 OK. What does that mean?

2
3 GARY STITH:

4 Well, what it means is the state has several designated priority places, but it gives state
5 priority in review and approvals and technical support and consideration for funding, but it
6 doesn't include specific funding as a part of that.

7
8 COUNCILMEMBER ERVIN:

9 So we didn't get anything?

10
11 GARY STITH:

12 We haven't yet, but we...We got their--we got their support for making this a priority area.

13
14 COUNCILMEMBER ERVIN:

15 Oh, we moved up. OK.

16
17 GARY STITH:

18 Yeah. So we're a priority.

19
20 COUNCIL PRESIDENT ANDREWS:

21 Not all areas are priority areas.

22
23 GARY STITH:

24 Right.

25
26 COUNCIL PRESIDENT ANDREWS:

27 Right? No, that's--that's just how I interpret that. All areas are priority areas to us. OK. OK.
28 There are no other questions, so thank you very much. A--let's see. A PHED Committee
29 worksession is tentatively scheduled for July 13, 2009. Our next public hearing is on
30 Expedited Bill 28-09, Motor Vehicles and Traffic - Parking Regulations - Recreational
31 Vehicles, that would further restrict the parking of certain recreational vehicles on a public
32 roadway and generally amend the law regarding vehicle parking. Action is scheduled
33 immediately following this hearing. This is essentially a technical amendment to the earlier
34 legislation. So we have, I think, one or two speakers for this. We have one speaker,
35 Captain Didone, Thomas Didone, from the Department of Police, representing the County
36 Executive. Good afternoon.

37
38 THOMAS DIDONE:

39 Good afternoon, sir. On behalf of Mr. Leggett and the Police Department, I want to thank
40 you all for the expedited bill, and just to let you know, we support it, and I'm here to
41 answer any questions you may or may not have.

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1
2 COUNCIL VICE PRESIDENT BERLINER:

3 Mr. Chairman, what is it? What is it?
4

5 THOMAS DIDONE:

6 During--during the drafting of the final legislation, some wording was omitted which
7 enabled the-- the spirit of the legislation was that recreational vehicles would not be
8 parked on any County roadways, but during the discussion, we wanted to give
9 consideration for people that wanted to load and unload their vehicles--a small period of
10 time so that they could do this and park it temporarily on the road. When it got
11 wordsmithed that the loading and unloading aspects of it was eliminated, and thus would
12 be putting us back to where we were when we started --allowing them a time period to be
13 parked on the road every day, and we'd be chasing these vehicles all around the County.
14 So what we're doing is just putting that wording as, for loading or unloading, it is
15 authorized to be on the road for a period up to 18 hours, so we're not chasing around
16 doing enforcement.
17

18 COUNCIL VICE PRESIDENT BERLINER:

19 Thank you, sir.
20

21 COUNCIL PRESIDENT ANDREWS:

22 OK. Thank you. That was very clear, and we're scheduled to vote on this in just a little bit,
23 after we finish the public hearings, so thank you very much. Our next public hearing is on
24 a supplemental appropriation to the County Government's FY09 Operating Budget of the
25 Office of Emergency Management and Homeland Security, Montgomery County Fire and
26 Rescue Service, and departments of Technology Services, Health and Human Services,
27 and Police, in the amount of \$1,561,848 for FY2008 for the Urban Area Security Initiative
28 of Maryland--5% share. Action is scheduled immediately following this hearing, and we
29 have no speakers for this hearing, so--the source of this is a federal grant. The Public
30 Safety Committee has recommended approval. We did review this in Committee last
31 week, and so the Committee recommendation--the hearing is closed; no speakers--the
32 Committee recommendation for approval is before the Council for \$1.56 million for the
33 purpose as described. I don't see any comment, so all those in favor of this supplemental
34 appropriation, please raise your hand. And Councilmember Elrich and Councilmember
35 Floreen, are you going to be voting on the supplemental? OK. That's--so that would be
36 Councilmember Navarro, Councilmember Elrich, Councilmember Trachtenberg,
37 Councilmember Floreen, myself, Council Vice President Berliner, Councilmember Knapp,
38 and Councilmember Ervin. It is approved, 8-0. Thank you. And our final public hearing is a
39 public hearing on a supplemental appropriation to the County Government's FY09
40 Operating Budget for the Department of Housing and Community Affairs in the amount of
41 \$5,479,944 for the Weatherization Assistance Program. Action is scheduled immediately

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1 following this hearing. There are no speakers for this hearing, and so the grant-- this is a
2 state grant. It is before the Council, and I don't see any comments on it, so we are ready,
3 then, for the vote on the supplemental appropriation of--
4

5 CLERK:

6 You ac--you don't have a Committee recommendation, so you need a motion.
7

8 COUNCIL PRESIDENT ANDREWS:

9 We need a motion. OK. Who would like to move?
10

11 COUNCIL VICE PRESIDENT BERLINER:

12 So moved.
13

14 COUNCILMEMBER KNAPP:

15 Second.
16

17 COUNCIL PRESIDENT ANDREWS:

18 Council Vice President Berliner moves approval, and Councilmember Knapp seconds the
19 motion. All those in favor of the supplemental appropriation of 5,479,944 for the
20 Weatherization Assistance Program--source of funds, state grant--please raise your hand.
21 Councilmember Navarro, Councilmember Elrich, Councilmember Trachtenberg,
22 Councilmember Floreen, myself, Council Vice President Berliner, Councilmember Knapp,
23 and Councilmember Ervin. It is approved, 8-0. Thank you. We're now going to go to
24 Legislative Session, day number 27, and now we have a-- several bills for final reading.
25 The first is Bill 26-09, the Domestic Violence Coordinating Council - Membership, which
26 we just had the public hearing on. The bill would expand the membership of the Council
27 by one to establish that there would be either--a representative from the Montgomery
28 County public school system who would be either the president of the Board of Education
29 or his or her designee. And the--we need a motion. Actually, no. We took that up, didn't
30 we? No, we didn't. We need a motion. OK. Councilmember Knapp moves.
31

32 COUNCIL VICE PRESIDENT BERLINER:

33 He's moving. I'm seconding.
34

35 COUNCIL PRESIDENT ANDREWS:

36 That we add that person as--that position as a member of the Domestic Violence
37 Coordinating Council. It would be either the president of the local Board of Education or
38 his or her designee. We heard the testimony from Judge Marielsa Bernard about why the
39 Domestic Violence Coordinating Council would benefit from this, and I did talk with
40 President Brandman of the school board, who indicated support for the legislation, so...
41 Councilmember Trachtenberg has a comment, I believe.

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1
2 COUNCILMEMBER TRACHTENBERG:

3 Well, I certainly support the bill, and I know my colleagues do, as well, but as a point of
4 information, I wanted to announce to my colleagues that we have, in the last day or two
5 days, received notice from the Department of Justice that the Sheriff's Program here in
6 Montgomery County, with the application that was made for grant money to support the
7 function of the Family Justice Center, we have just received notice that we are receiving
8 \$988,000, which is a substantial sum of money that clearly will help support the array of
9 services over there, and I want to publicly acknowledge receipt of that money, but I also
10 want to publicly acknowledge the tremendous effort that our Congressional team put
11 forward in helping us secure this money, and in particular, I want to underscore the
12 significant role that Senator Mikulski played in making this happen and making sure that
13 we did indeed have the money to make our program at the Family Justice Center a
14 success. So it's a great day for those that are serving the community, but I certainly see
15 the bill that's before us today as another way to expand the role that the community
16 indeed can play in protecting children whose families are touched by violence.

17
18 COUNCIL PRESIDENT ANDREWS:

19 Thank you. That's great news, and we're very glad to hear that--that grant for a very
20 important purpose, the Family Justice Center. It occurs to me that we could make Bill 26-
21 09 an expedited bill, which would enable the person appointed to begin serving as soon
22 as possible, rather than in 90 days. And so I would go ahead and move that we make an
23 expedited bill to facilitate the participation as soon as possible. You want to second?

24
25 COUNCILMEMBER NAVARRO:

26 Second.

27
28 COUNCIL PRESIDENT ANDREWS:

29 OK. Seconded by Councilmember Navarro. All those in favor of making Bill 26-09 an
30 expedited bill, please raise your hand. That is Councilmember Navarro, Councilmember
31 Elrich, Councilmember Trachtenberg, Councilmember Floreen, myself, Council Vice
32 President Berliner, Councilmember Knapp, and Councilmember Ervin. It--that amendment
33 is approved, 8-0. Now we're ready for a vote on the bill as amended. I will ask the clerk to
34 call the roll.

35
36 CLERK:

37 Miss Navarro.

38
39 COUNCILMEMBER NAVARRO:

40 Yes.

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1 CLERK:
2 Mr. Elrich.
3
4 COUNCILMEMBER ELRICH:
5 Yes.
6
7 CLERK:
8 Miss Trachtenberg.
9
10 COUNCILMEMBER TRACHTENBERG:
11 Yes.
12
13 CLERK:
14 Miss Floreen.
15
16 COUNCILMEMBER FLOREEN:
17 Yes.
18
19 CLERK:
20 Miss Ervin.
21
22 COUNCILMEMBER ERVIN:
23 Yes.
24
25 CLERK:
26 Mr. Knapp.
27
28 COUNCILMEMBER KNAPP:
29 Yes.
30
31 CLERK:
32 Mr. Berliner.
33
34 COUNCIL VICE PRESIDENT BERLINER:
35 Yes.
36
37 CLERK:
38 Mr. Andrews.
39
40 COUNCIL PRESIDENT ANDREWS:

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1 Yes. Bill 26-09 is approved, 8-0. Our next bill for final reading is Expedited Bill 28-09,
2 Motor Vehicles and Traffic - Parking Regulations - Vehicles-- Recreational Vehicles. We
3 just heard the testimony from Captain Didone about why the change is needed to conform
4 to the--the goal of the bill, which we passed earlier this year. So I don't see any questions
5 on it. It is expedited. It requires six votes. It's a roll call vote. Will the clerk please call the
6 roll?

7
8 CLERK:
9 Miss Navarro.

10
11 COUNCILMEMBER NAVARRO:
12 Yes.

13
14 CLERK:
15 Mr. Elrich.

16
17 COUNCILMEMBER ELRICH:
18 Yes.

19
20 CLERK:
21 Miss Trachtenberg.

22
23 COUNCILMEMBER TRACHTENBERG:
24 Yes.

25
26 CLERK:
27 Miss Floreen.

28
29 COUNCILMEMBER FLOREEN:
30 Yes.

31
32 CLERK:
33 Miss Ervin.

34
35 COUNCILMEMBER ERVIN:
36 Yes.

37
38 CLERK:
39 Mr. Berliner.

40
41 COUNCIL VICE PRESIDENT BERLINER:

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1 Yes.

2
3 CLERK:

4 Mr. Knapp.

5
6 COUNCILMEMBER KNAPP:

7 Yes.

8
9 CLERK:

10 Mr. Andrews.

11
12 COUNCIL PRESIDENT ANDREWS:

13 Yes. Expedited Bill 28-09 is approved, 8-0. Thank you. And thank you, Councilmember
14 Knapp, for your leadership on this issue. Our final bill for consideration this afternoon
15 before we have the briefing on the federal stimulus funding is Expedited Bill 25-09,
16 Contracts and Procurement - Minority Owned Businesses - Amendments. The T&E
17 Committee's recommendation is available, I believe, and I will turn to the Chair of the
18 Committee, Councilmember Floreen, for the Committee's recommendation on Bill 25-09.

19
20 COUNCILMEMBER FLOREEN:

21 Let's see. Let me find it here.

22
23 COUNCIL PRESIDENT ANDREWS:

24 Here we go.

25
26 COUNCILMEMBER FLOREEN:

27 Oh, yes. Well, this is simply an extension of the existing program for three more years,
28 and the Committee recommends that we permit the--our current minority owned business
29 standards to continue, and a study will be conducted--Bob, in two years from now?

30
31 ROBERT DRUMMER:

32 The study would be due July 1, three years from now, which would be 2012.

33
34 COUNCILMEMBER FLOREEN:

35 Yeah.

36
37 COUNCIL PRESIDENT ANDREWS:

38 OK. All right. So the recommendation of the Transportation, Infrastructure, Energy, and
39 Environment Committee for approval of the bill is before the Council. Is there any
40 discussion? Seeing none--and this is an expedited bill. It requires six votes. I'll ask the
41 clerk to call the roll.

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1
2 CLERK:
3 Miss Navarro.
4
5 COUNCILMEMBER NAVARRO:
6 Yes.
7
8 CLERK:
9 Mr. Elrich.
10
11 COUNCILMEMBER ELRICH:
12 Yes.
13
14 CLERK:
15 Miss Trachtenberg.
16
17 COUNCILMEMBER TRACHTENBERG:
18 Yes.
19
20 CLERK:
21 Miss Floreen.
22
23 COUNCILMEMBER FLOREEN:
24 Yes.
25
26 CLERK:
27 Miss Ervin.
28
29 COUNCILMEMBER ERVIN:
30 Yes.
31
32 CLERK:
33 Mr. Knapp.
34
35 COUNCILMEMBER KNAPP:
36 Yes.
37
38 CLERK:
39 Mr. Berliner.
40
41 COUNCIL VICE PRESIDENT BERLINER:

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1 Yes.

3 CLERK:

4 Mr. Andrews.

6 COUNCIL PRESIDENT ANDREWS:

7 Yes. Expedited Bill 25-09 is approved, 8-0, and that concludes the Council's legislative
8 session. We're now going to move right into a briefing that will be an update on the status
9 of federal stimulus funds for Montgomery County, and this will be our final item. We are
10 running behind, but I don't intend to cut this short, so we'll have up to about an hour for
11 this--for this item. And I'll welcome to the table a range of impressing-- impressive-looking
12 officials.

14 UNKNOWN SPEAKER:

15 A lot of people for not much money.

17 COUNCIL PRESIDENT ANDREWS:

18 Let's see. We have quite a few people here. Looks like we have representatives from
19 many of the departments. OK. I think we'll begin--let's see. I think we'll begin with
20 introductions of those who have joined us at the table who are representing the different
21 departments, and I see that, if we have specific questions, we're probably going to get--
22 be able to get the answer from the different agencies that are represented here, as well.
23 Let me first ask our legislative analyst, Susan Farag, if she wants to make any opening
24 comments about the packet that she's prepared.

26 SUSAN FARAG:

27 Good afternoon. Yeah. On page two, you'll see that I've tried to break down the funding
28 that we've received, which means either it's been approved or we actually have it in hand;
29 also, funds expected, which we have a reasonable basis for believing we're going to
30 receive; and then I also tried to cast a wider net to show funds that are eligible-- that we're
31 eligible for and that we've applied for. So far, the County and the outside agencies have
32 received approximately \$80 million and expects to receive another 88 million, both in
33 formula funding and grants, and they've also applied for another-- other grants totaling
34 about 72 million. The Council was last updated on this about four months ago, in
35 February, when the federal legislation was signed. Lots has happened since then. The
36 County formed an ARRA Steering Committee, which has been--has met regularly over the
37 spring to keep the departments and outside agencies apprised of the federal guidance
38 and other changes or requirements that may impact our ability to access funding and
39 apply for new grants. Some of the--the federal need for transparency and accountability
40 has presented some problems in accessing this. They have been very slow to issue
41 guidance, which the Executive branch representatives will provide some more detail on. In

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1 the process, the County also hired a consulting firm, B&D Consultants, who I believe has
2 a representative here today who could also answer any more specific questions for you as
3 far as how the County can access the funds and meet various federal requirements. Chris
4 Sihlar is also present today, from CountyStat, and he's got a very brief presentation to
5 show you online about--about their current web site that tracks stimulus funding. I've also
6 listed a few current initiatives on pages 3 and 4. More detail is provided in the packet on
7 circles 5 for Executive branch funding opportunities and on circle 14 for outside agency
8 funding opportunities.

9
10 COUNCIL PRESIDENT ANDREWS:

11 Thank you very much. OK. Let's have people at the table introduce themselves first. We
12 are televised, so that way our viewers can match up names and titles and voices and--

13
14 CHRIS SIHLAR:

15 Chris Sihlar from CountyStat.

16
17 FARIBA KASSIRI:

18 Fariba Kassiri, Assistant Chief Administrative Officer.

19
20 KATHLEEN BOUCHER:

21 Kathleen Boucher, Assistant Chief Administrative Officer.

22
23 JOE BEACH:

24 Joe Beach, Director, Office of Management and Budget.

25
26 ANNIE ALSTON:

27 Annie Alston, Executive Director, Housing Opportunities Commission.

28
29 COUNCIL PRESIDENT ANDREWS:

30 Very good. Nice to see you all, and please proceed with your presentation.

31
32 KATHLEEN BOUCHER:

33 Thank you, Mr. President. I'll start off, first by following up on what you noticed in terms of
34 the number of people that are here in the audience for this briefing. It reflects the
35 seriousness with which the County has-- has approached its role in implementing the
36 American Recovery and Reinvestment Act. It's an unprecedented program, and we
37 wanted to do our part and do it right. And so the people here--that are here today have
38 spent an awful lot of time trying to figure out how to do that and with regard to their
39 particular roles. So I just wanted to make that note at the beginning. What I thought I'd do
40 is just walk through Susan's packet, actually, and try to supplement it a bit. Really, my
41 goal here is to provide you with what you want to hear about the stimulus, so I'll try to do

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1 that by supplementing a bit of what Susan just did walking through her own packet, but
2 really, we can go into depth on any particular component of--or a grant or implementation
3 that you'd like. What I'd like to do just at the beginning is to read--I'm actually going to
4 read; it's going to be very short--from the ARRA legislation. This is the--part of the ARRA
5 legislation that relates to the purposes and principles of ARRA, and this is what it says.
6 "The purposes of this act include the following: to preserve and create jobs that promote
7 economic recovery; to assist those most impacted by the recession; to provide
8 investments needed to increase economic efficiency by spurring technological advances
9 in science and health; to invest in transportation, environmental protection, and other
10 infrastructure that will provide long-term economic benefits; and to stabilize the state and
11 local government budgets in order to minimize and avoid reductions in essential services
12 and counterproductive state and local tax increases." Those are numerous and
13 sometimes competing goals, and our implementation of ARRA here in the County was--is
14 an attempt to stay true to those goals and to deal with the inherent tensions in some of
15 them. I also wanted to read one more section here, and this is general principles
16 concerning use of funds. "The President and the heads of federal departments and
17 agencies shall manage and expend the funds made available in this Act so as to achieve
18 the purposes specified in subsection (a)," which I just read, "including commencing
19 expenditures and activities as quickly as possible consistent with prudent management."
20 Now, what I just read there, again, it reflects a tension between speed and "prudent"
21 management--the word that's in the ARRA legislation--and it's a tension that is reflected in
22 our own implementation of the ARRA legislation. We're trying to do everything quickly, just
23 as the federal government is, and we're trying to do it right and prudently. And for us, the
24 prudence goes to transparency, accountability, efficiency, and also sustainability of
25 programming that we're funding with ARRA legislation. So, Susan mentioned, on page
26 two of her memo, she has a table there that summarizes the ARRA funding thus far, and
27 what I wanted to do--or at least opportunities in ARRA funding, and she broke it down into
28 three categories--Funds Received, Funds Expected, Funds Eligible/Applied. What I
29 wanted to do very quickly is refer you to the chart where she got the County information,
30 and the independent agency reps are here to speak for themselves, although the County
31 is also working with them to track the ARRA funding opportunities that they are pursuing
32 and-- evaluating and pursuing. But if you look very quickly at the spreadsheet that begins
33 on circle 5--this is the spreadsheet that Susan got her information from with regard to the
34 County. The...the important thing to understand when you look at this spreadsheet is that
35 this is showing both formula grants and competitive grants. And for formula grants, we can
36 typically show an allocation amount because we know what the formula is or has been
37 determined to be and what the County allocation is, in most circumstances. For
38 competitive grants, we don't know what we will or will not get, but what we're putting --
39 what you see in column 18 there--this is actually a subset of a larger spreadsheet, so
40 there are a lot of other columns in our larger spreadsheet, but the column that's identified
41 as column 18 is for competitive grants. If you look through this spreadsheet, you'll see all

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1 of the individual grants that County departments are either going after or still evaluating. In
2 the column under "Formula Grant," those would be all of the formula grants that we know
3 about. In the column under "Competitive Grant Application Amount," those are the
4 competitive grants that the County is going after. There is a summary sheet on circle 13 of
5 Susan's packet, and I'll just direct your attention there for a moment. Again, it shows a
6 summary of-- for each department in the County--what they expect to receive under
7 formulas and what they're going after for competitive grants. I would note that for the
8 competitive grants, which total to 65.5 million-- two things to note about that. First of all,
9 one grant is not reflected in there that we are going after, related to hybrid buses. That's a
10 \$19 million grant that we inadvertently left off our spreadsheet, so that should be in the
11 Competitive Grant column. And also, there are at least 19 items in this spreadsheet where
12 we don't yet know what we're-- how much we're going to be seeking in a competitive grant
13 application, so they're not reflected at all in that column under Competitive Grants. Susan
14 spoke to some of the challenges we have encountered, and we'd be happy to go into
15 them in more detail if you'd like. The County Executive felt very strongly that we should
16 be, as a County, very transparent in our implementation of ARRA grants, very clear about
17 our accountability requirements, and part of that is using our CountyStat resources to tie
18 ARRA grants to the County's priority objectives. And Susan included in the packet some
19 printouts from the web site that the County has developed to connect the ARRA grant
20 funding to the County's priority objectives and performance measures, and Chris can walk
21 through that now, if you'd like, very quickly. He's ready to do a live, you know, discussion,
22 if you'd like.

23
24 COUNCIL PRESIDENT ANDREWS:
25 Sounds good.

26
27 KATHLEEN BOUCHER:
28 OK.

29
30 CHRIS SIHLAR:
31 OK. The web site is up on the screens now. This is the homepage. OK. We've set up a
32 site, montgomerycountymd.gov/recovery, where we're tracking all of the ARRA funding
33 that we're getting. Two things about this first front page here. One thing that we wanted to
34 do was make sure that we were being consistent with the way that the federal and the
35 state were talking about these types of funds. The federal government, I think probably
36 everybody is aware, has their web site tracked at recovery.gov. Maryland has theirs at
37 recovery.maryland.gov, and we have ours at [/recovery--montgomerycountymd.gov/recovery](http://recovery--montgomerycountymd.gov/recovery). The front page, we basically just give an overview of
38 what we're tracking and what we're trying to accomplish with the use of this funds. At the
39 bottom of the front page, we have a list of the eight priority objectives and how much
40 money we've actually gotten in--into the County. This is going to differ a little bit from the
41

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1 money that Kathleen just spoke about. We want to make sure that we actually have the
2 money or have commitments for the money from the federal government before we're
3 committing the money up onto the public web site. So this is--the total number here is
4 going to differ a little bit from what Kathleen just mentioned, but that's why. I can get into
5 any of these eight. I clicked on the Education one because it's got the most money in it.
6 The second page, and all these pages are consistent, depending upon which priority area
7 you've clicked off of. Categorize the money on this front page into a brief overview of how-
8 -of the particular programs that we've gotten. So you can see here the three areas with
9 Education are Children with Special Needs, Support Local Education Agency, Low
10 Income Students. I think the thing that we've done probably even better than --the federal
11 government's web site right now, they're trying to revamp how they're going to present the
12 information. We've had this up, and we've been trying to predict what the federal
13 government and the state government is going to require us to report on, so what we've
14 been trying to do as we've moved along is be ahead of the curve in this regard. So we
15 have some things that are not necessarily consistent with the way the federal government
16 or the state government is talking about these funds, but we have ways to tie everything
17 back to the federal and state funds. So if you want to know more information about any of
18 these particular areas, you can click on the third link to learn more about the use of the
19 Recovery Fund. And it's calling it up right now. It's a PDF. We have significant detail
20 regarding the general goal of the programs, the outcomes that we expect to achieve from
21 the programs, how these funds tie to headline measures, which are the County--where
22 there's a department, a relevant department, and it's not displaying this because it's a
23 PDF, so there's a PDF blocker on here. There's a PDF blocker on here, so I can't pull this
24 up. The general point, though, of this site and this particular page--I can see if I can find
25 the...Pop-up blocker...OK. This should pull it up.

26
27 KATHLEEN BOUCHER:

28 Can you access offline?

29
30 CHRIS SIHLAR:

31 This--it's a PDF blocker, so there's nothing I can do, unless the PDF blocker is turned off.

32
33 KATHLEEN BOUCHER:

34 It's in the packet, Chris, if you want to move to...

35
36 CHRIS SIHLAR:

37 Yeah. I mean, I don't...

38
39 KATHLEEN BOUCHER:

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1 Actually, yes. We might--since Chris is having trouble with the PDF blocker up there,
2 Susan included printouts from--from --from the County's web site, and they begin on...
3 circle 52, Chris? We could use that.

4
5 CHRIS SIHLAR:

6 52 is--this would be in color, of course, on the web site. What we actually had up with the
7 pop-up blocker was--was off. We're generally tracking, I think, seven things. We have the
8 grant title/the name, the use of the funds-- so what we're actually doing with the money,
9 the funding amount, the overall program goal; we required measures of successes, the
10 program outputs, which are general sort of "what are we actually doing on a day-to-day
11 basis," and then the program outcomes. Those are longer-term, of course, goals and
12 actual improvement in service or some type of--some type of activity. The last thing we
13 have are jobs created and retained. We know this is something from the federal
14 government that they're going to be asking for. I will say most of these are to be
15 determined right now. Most--the reason for that is basically we haven't gotten strong
16 federal guidance about how they're actually going to ask us to be calculating this data. I
17 will say, a couple of days ago, on June 22, they released kind of new guidance from OMB,
18 and it says we're only going to be responsible for reporting direct jobs we created, so we'll
19 track that. There are other ways to develop sets of job estimates and job creation pieces
20 which we in CountyStat will look into. I don't necessarily that we'll report it on the web site.
21 I want to say a couple of other things that we are tracking in CountyStat to make sure that
22 we're able to tie these funds back to state and federal priorities--the way that the state
23 government speaks about these categories, we have to categorize ours in the eight
24 priority areas. The state government speaks about these funds in a little bit different way
25 than we do in the County. They have their own set of categories. Those categories are
26 different than the federal categories, so the federal government speaks about these ARRA
27 funds in slightly different ways than the state does, which, you know, again, is different
28 from us. So we've categorized every grant that we have to one of the state categories and
29 to one of the federal categories, so when we're asked to report back on our use of the
30 funds, we'll always be able to tie everything to the larger goal, whether it's the state asking
31 us for data or whether it's the federal government asking us for data. And we anticipate
32 that this is going to be a general sort of ongoing discussion with both those partners,
33 because we know that this is something--this funding is going to be subject to
34 unprecedented scrutiny as far as accountability goes. So that's in general how we're
35 tracking the data pieces over time. And where relevant, where there's an actual
36 department that's managing one of these programs, we try--we tie those to our
37 departmental headline measures so we can track the actual performance, program
38 performance, over time. And so that's generally how we've structured the data collection
39 piece, and I'm sorry that the pop-up is not up on the web site, but that's how we're
40 presenting it to the public. And I will say, again, in a lot of ways, we're ahead of both the
41 state and federal government. The federal government has gone back to the board to try

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1 and figure out how they're going to ultimately present their data points and recovery.gov to
2 the public. So, you know, again, we've been anticipating what we're going to be getting as
3 far as guidance from the federal and from the state representatives.

4
5 COUNCIL PRESIDENT ANDREWS:

6 Thank you. It looks good--the packet printouts. OK.

7
8 KATHLEEN BOUCHER:

9 OK. Thank you, Chris. I'll just point out a few more things and make a few more comments
10 and then really open it up to the Council for questions you may have. Again, just
11 referencing a memo that I sent over to Council that starts on circle one of Susan's packet,
12 we've already mentioned that we've included in your packet a County government
13 spreadsheet that's a summary of formula and competitive grants that the County is
14 seeking or evaluating. Also included in your packet is a spreadsheet that we've developed
15 with the help of our independent agencies that's a summary of the ARRA grants that they
16 are evaluating or seeking. That's on circle 15 through 17. And for those of you who really
17 want to dig into the details of ARRA, there's a much more comprehensive spreadsheet for
18 both the County and the independent grant opportunities that includes a lot more
19 information that we wanted to be able to track. For example, we tracked the national
20 appropriation in different categories, application deadlines, the federal decisionmaker, the
21 state decisionmaker, whether the money is going directly to the County or through the
22 state, and all of that is in a comprehensive list that's on circles 21 through 37 of your
23 packet. We also developed a glossary on circle 19 through 20 to help you interpret the
24 spreadsheets. And also, one of the things that the ARRA legislation included was some
25 new financing tools, a number of different types of tax-advantaged bonds that the County
26 is in the process of evaluating, and a matrix that outlines those new types of tax-
27 advantaged bonds is on circle 38. Susan talked about challenges that the County has
28 encountered and asked us about challenges, and she very briefly walked through them.
29 Just wanted to say a few more words about some of those challenges and how we're
30 dealing with them. There have been delays in receiving information from federal and state
31 agencies that are responsible for administering the ARRA grants --delays and changes.
32 We've had application deadlines change numerous times for numerous grants. Grant
33 requirements--they're using--the ARRA legislation actually identified existing formulas for
34 a number of programs, but actually the programs are different because they wanted to get
35 money out quickly. It's using existing formulas, but what you can use the money for is
36 different from what the typical formula would be. There is some lack of clarity in a number
37 of grant application requirements, new forms, new processes, new electronic reporting
38 and electronic grant application processes. Of course, I think--again, I mentioned earlier,
39 the tension between speed and prudence. There have been a number of short timelines
40 for preparing grant applications and completing all the related activities, including vendor
41 permits, outreach to potential nonprofit or business partners, and in some cases, vendor

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1 contracts that needed to be identified ahead of time. One of our challenges, frankly, won't
2 surprise you in these fiscal times, has been identifying staff resources to --to go out there
3 and evaluate, identify, and obtain these grants. I think our departments have done a
4 terrific job under the circumstances that we all are well aware of. There are very new
5 reporting and accountability requirements in ARRA--things we have never seen before
6 with federal funding--and that's one of the things we focused on, is to try to understand
7 how has the world changed with the ARRA legislation with regard to federal grants flowing
8 through --those streams of funding versus other federal grants? For example, the job
9 tracking that Chris mentioned peripherally, there is actually a section of the ARRA
10 legislation that, by itself, is called the Jobs Accountability Act. It's Section 15.12 of ARRA,
11 and it outlines job tracking requirements. Chris also mentioned that we've been waiting for
12 clear guidance on how to estimate and count jobs. There's been some interim guidance in
13 the past four or five months, but it wasn't until last week that we got something that's close
14 to final, at least for the moment. I mean, anything is subject to change, but on June 22, we
15 got some relatively final guidance on how to count jobs and report jobs to the federal
16 government. There is--there are new Buy American requirements in the ARRA legislation.
17 DOT and projects that relate to federal highways are used to Buy American requirements
18 in that context. They've been out there for a number of years. Buy American requirements
19 with regard to other infrastructure projects are new, at least with regard to most federal
20 funding streams and ARRA does include some Buy American requirements, essentially
21 regarding the use of iron, steel, and manufactured goods, that we're dealing with. There
22 have been delays--we've already mentioned delays in promulgating some of the federal
23 guidance, such as job tracking, but there are numerous other examples. Midstream
24 changes in grant requirements--we had an interesting case that was really disappointing,
25 actually. We had heard through the state that there would be VISTA workers available to
26 help the state in the census, volunteers to help different jurisdictions with the census
27 2010, and we had initially been allocated two or three VISTA workers for Montgomery
28 County. And then we heard a week or two ago that for some reason, because of ARRA,
29 because of something related to ARRA, we're not going to be able to use VISTA workers
30 for our 2010 census--the state or the County. But that's just one small example of a
31 number of midstream changes. Oh, another interesting twist that has been difficult, but
32 we've had some great help from our departments navigating through, is we've had
33 streams of funding that were not ARRA but that--that are now ARRA funding. I'll give you--
34 a good example would be, there's Clean Water funds available for the County every year,
35 and we submit projects and compete for Clean Water funding that's distributed through
36 the state. This year, because of fiscal difficulties at the state level, the state used ARRA
37 funding in that Clean Water Fund allocation, which meant that projects that we had
38 vendors for, that we had contracts for, we then had to --to redo. There was a project, a
39 storm water project--Germantown Estates storm water management project, about a
40 \$300,000 project--which we had a vendor for and a contractor that we use that we had to
41 amend the contract, we had to go do another RFI--in other words, had to walk through the

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1 steps that are--that are unique to ARRA because the state chose to use that funding
2 stream. I think--I think that's about it as an overview, and we'd be happy to talk to you
3 about any of the generic ARRA legislation requirements. As you can tell, we have
4 departmental reps that are dealing with all the different grants here, if you have particular
5 interest in particular areas. We'd like you to walk away getting the information that you
6 wanted today.

7
8 COUNCIL PRESIDENT ANDREWS:

9 Thank you very much. And I'm going to start with Councilmember Floreen, and I'm sure
10 there will be other questions, as well.

11
12 COUNCILMEMBER FLOREEN:

13 Thank you very much. Great work, everyone. It's terrific how--how much you put into this,
14 the organization of the information, and interesting information, Kathleen, about the other
15 challenges you're encountering. My question is this. I know the point of the Act was to
16 support local--well, to support economic activity and produce jobs or at least support jobs.
17 My question is, though, what this will mean for us in terms of, say, next year's budget. I
18 see Miss Barrett is here. What--this money isn't going to come around again, and--I don't
19 think--and so the question is, is this building into our budget positions that we won't be
20 able to support-- that we will have to continue to support next year? I suspect that is an
21 element of the education funding, but I don't know. Looking through your list, it seems
22 mostly like training or one-time things of one sort or the other. But can you speak to that
23 question of where the County might be in a position of having to wrestle with continuing
24 that--that amount of dollars on its own after --after this year?

25
26 KATHLEEN BOUCHER:

27 Sure. I'll speak very briefly to it and then turn it over to Joe. When we were here in
28 February a week or two after President Obama signed the legislation, we explained to you
29 then--and it's been a central theme in implementing it here at the County level--is that any
30 decisions we made with regard to ARRA funding would be sustainable.

31
32 COUNCILMEMBER FLOREEN:

33 That's really the question.

34
35 KATHLEEN BOUCHER:

36 And I think your question goes to that critical question, so--and Joe is the best person to
37 speak to that.

38
39 JOE BEACH:

40 For the grants appropriated so far in the County government-- Weatherization, Rapid
41 Rehousing --there really aren't-- they're more of a one-time temporary nature funding.

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1 There may be some term positions associated with that created to implement the grant,
2 but not really that I'm aware of any permanent positions that would be--have to be
3 supported after the termination of the grant. However, there are some grants we've
4 applied for, in the Police Department and other departments as well, that we're still waiting
5 word on that we would receive, like most grants, some initial funding to support the
6 positions, whether they're police officer positions or forensic lab positions that--after the
7 termination of that grant, the County, if we chose to continue those services, would be
8 liable to locally fund those, as well. But for the actions taken so far in the County
9 government, no, we don't have a lot of continuing costs. Within the schools, I would leave
10 that to MCPS to address, but I know with the fiscal stabilization and the IDEA funding that
11 was appropriated as part of the FY10 budget, it was more in the nature of sustaining
12 existing positions rather than creating new positions.

13
14 COUNCILMEMBER FLOREEN:
15 Right.

16
17 JOE BEACH:
18 And that is something that we're looking at when we review a grant application, is what
19 sort of tail is it going to have in terms of new positions, continuing positions, other
20 continuing costs, as well.

21
22 COUNCILMEMBER FLOREEN:
23 Is there someone here from schools who can speak to this? Oh, there you are. Mr. Spatz.

24
25 MARSHALL SPATZ:
26 Thank you very much. We have received about \$28 million in fiscal stabilization funds for
27 the FY10 year and approximately \$23 million in Title I and IDEA money. So they're a little
28 bit different. The stabilization money, all that did was cover losses that would have
29 happened in state aid, so it really is just a change in a funding source. Now, in FY12,
30 when the federal money goes away, this is going to create a huge problem because there
31 is no funding source to cover that state aid. Now, it's not only the money we get directly--
32 the 28 million per year--so that's, depending on how you calculate it, that would be several
33 hundred jobs, although we didn't actually change any jobs. But the other part is the state
34 teacher pension money because the state used 25 million to cover the increase in state
35 pensions that is due in FY10. If that burden were shifted to the local governments, that
36 would be a huge problem. And we spoke to that at the legislative hearing last Thursday,
37 and that's a major thing that the State Senate and Legislature is looking at in terms of
38 what they're going to do with pensions, because the pension costs are just--are going up
39 at a very, very high rate over the next several years. So that's that problem. Now, in terms
40 of the IDEA and Title I, we were able to restore approximately 200 jobs that we would
41 have otherwise have reduced, but that still leaves a serious problem if and when that

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1 federal money goes away. So what we tried to do with that is to maximize the use,
2 particularly of IDEA, Special Ed money, for purposes that are not additional programs, but
3 things like training and technology that we can staff without dismissing people when that
4 funding ends. But the IDEA money is roughly \$17 million a year, so not all of that could be
5 used for just one-time things. Some of it went into restoring some of the cuts that the
6 Board had earlier proposed in the FY10 budget. But that would be a problem when the
7 money runs out, so it's a serious problem for us, and we're factoring that into our budget
8 planning for the future.

9
10 COUNCILMEMBER FLOREEN:

11 So for the--the chart here shows MCPS receiving 55.8 million. Is--does that include the
12 pension?

13
14 MARSHALL SPATZ:

15 No.

16
17 COUNCILMEMBER FLOREEN:

18 What the state is using for the pension?

19
20 MARSHALL SPATZ:

21 No.

22
23 COUNCILMEMBER FLOREEN:

24 So that's IDEA and the other.

25
26 MARSHALL SPATZ:

27 Because the pension payments are made on our behalf by the state directly to the
28 Pension Authority.

29
30 COUNCILMEMBER FLOREEN:

31 So that's another 25, would you say, on top of that?

32
33 MARSHALL SPATZ:

34 Another 25 next year. Correct.

35
36 COUNCILMEMBER FLOREEN:

37 And so all--this takes us through '010.

38
39 MARSHALL SPATZ:

40 '10 and '11.

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1 COUNCILMEMBER FLOREEN:

2 '10 and '11.

4 MARSHALL SPATZ:

5 Correct.

7 COUNCILMEMBER FLOREEN:

8 Well, that's--and is that the same for the pension issue, or that's--in terms of the
9 distribution to the state?

11 MARSHALL SPATZ:

12 It's not really clear because they have some projections on what the pension payments
13 would be in FY11, and they may be even higher. So at that point, presumably the state
14 would have to come up with some other funding source unless--now, they have reserved
15 some money for '11, so they may--I think they're assuming they're going to-- they're going
16 to try to cover that, but there's no number yet.

18 COUNCILMEMBER FLOREEN:

19 OK. So... Well, congratulations. We know that this money all made a big difference this
20 past year, and so what you're saying is MCPS, that has received the bulk of the dollars,
21 is...those dollars you anticipate will be supportive, I guess. I don't know exactly how to
22 describe it, but in place for you for two years, basically.

24 MARSHALL SPATZ:

25 Correct.

27 COUNCILMEMBER FLOREEN:

28 And so we will revisit this issue-- there's always other elements, but these dollars will help
29 for the--for not just the current year, but the coming year, as well.

31 MARSHALL SPATZ:

32 Correct.

34 COUNCILMEMBER FLOREEN:

35 And you said there are several hundred jobs that this money sustained.

37 MARSHALL SPATZ:

38 Absolutely.

40 COUNCILMEMBER FLOREEN:

41 That's a really important point.

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1
2 MARSHALL SPATZ:

3 It's very crucial. It's a little hard to estimate. We'll have a better estimate. As they pointed
4 out, we haven't gotten guidance from the state yet on exactly how we're to use the
5 stabilization funds. Now, it's a little bit artificial because what you approved is what we're
6 going to do, regardless of what the funding source is, but as far as counting the jobs that
7 are created, we don't have the guidance from the state. We have the federal guidance, but
8 not from the state.
9

10 COUNCILMEMBER FLOREEN:

11 OK. Thank you very, very much.
12

13 COUNCIL VICE PRESIDENT BERLINER:

14 Thank you. The Council president needed to step out for a moment, so I am in charge.
15 Wasn't that that great Al Haig moment? You know? I still remember that moment. And
16 actually it was my turn to ask a question, and I wanted to thank staff and wanted to
17 commend the Executive staff. We did have a very early conversation that was not
18 particularly satisfying for any of us, so with respect to this, this is a much more satisfying
19 conversation. You guys are doing a lot of very good work. I wanted to ask Miss Barrett a
20 question. You knew that I was going to ask you a question, didn't you, Miss Barrett? The
21 staff analysis points out, and I think my colleagues appreciate, that a big chunk of the
22 American Recovery Act dollars were in tax cuts and in tax-related issues. It wasn't just in
23 stimulus dollars, per se, and appropriations. And one of the major forms of that are what
24 are called Economic Recovery Bonds--Zone Bonds--that other communities are very
25 excited about. My best friend is the Chief Financial Officer of Broward County, and I was
26 just down there and visited with him, and he shared with me how excited they are about
27 these Recovery Zone Bonds and how they get an allocation of something on the order of
28 \$100 million. There are two different bonds, as I'm sure you're familiar with, Miss Barrett,
29 and they get \$100 million in their allocation from the state with respect to it. I don't know
30 what ours are. I'm curious as to what ours are. Their analysis was, and his analysis was,
31 that it reduced the cost of borrowing so substantially in that the-- that it's a very good deal,
32 and it is designed to ensure that we can do the kind of economic recovery, particularly in
33 our high unemployment areas, which, of course, is consistent with the thrust of the
34 program and consistent with our own desires here in Montgomery County to, to the extent
35 to which we can, focus our efforts on those areas that are experiencing the highest level
36 of unemployment. So my question to you is, given the embrace that I understand has
37 been pretty broad-based-- that people are pretty excited about this, that--They weren't
38 excited about it a couple of years ago, but it appears to have caught on. The financial
39 markets now understand it, and it's a big deal. And I know in the past when we've had
40 these kinds of conversations, you have been somewhat skeptical with respect to these
41 matters, and so I'm curious as to if you could share with us, one, how much we were

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1 allocated--these allocations just came out at the beginning of the month, as I understand
2 it--what we were allocated, and two, your-- your notion with respect to this and whether
3 we're going to take similar advantage or, if you don't perceive it's an advantage, to explain
4 why.

5
6 JENNIFER BARRETT:

7 Certainly. I'm going to be referring to circle 38 of the packet, and that is a matrix prepared
8 at my request by our bond counsel firm, McKennon, Shelton & Henn, because what I've
9 been getting is articles and articles and memos and memos, and I wanted a simple matrix
10 that, believe me, helped me, even though I understand it may still be somewhat complex.
11 In reality, there are several types of tax advantage bonds that are in the bill. As you noted,
12 all this is, is a reduced cost of borrowing. It is not money to be spent. I also believe that
13 any of this kind of borrowing, the debt service on that borrowing would count against our
14 debt capacity calculations--not necessarily our GO limits unless it was issued in the form
15 of GO, and some of this, we would, so we would have to take that into consideration, too.
16 Addressing specifically, you mentioned--

17
18 COUNCIL VICE PRESIDENT BERLINER:

19 There are two forms. Yes. Go ahead.
20

21 JENNIFER BARRETT:

22 Recovery Zone Facility Bonds and Recovery Zone Economic Development Bonds, which
23 are the first and third areas in gray. One--the differences between them--one is issued on
24 a tax-exempt basis. It can be used for private activity in an area designated as a Recovery
25 Zone that has to meet certain requirements. We will be looking--we've had a conversation
26 with bond counsel. We will be looking more at whether we can, you know, have areas that
27 qualify, but we think we can, and where we'll be particularly benefiting from some of these
28 bonds is where we can use this form of financing for something that we were already
29 going to borrow for.
30

31 COUNCIL VICE PRESIDENT BERLINER:

32 Yes, because I believe that you have a requirement to actually close on this in a particular
33 tight timeframe.
34

35 JENNIFER BARRETT:

36 Some of them do. Some of them do--by the end of next calendar year, as I understand it.
37

38 COUNCIL VICE PRESIDENT BERLINER:

39 Yes.
40

41 JENNIFER BARRETT:

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1 Build America Bonds--and they're shown in two different lines, because one form--

2
3 COUNCIL VICE PRESIDENT BERLINER:

4 Can I stop you there?

5
6 JENNIFER BARRETT:

7 Sure.

8
9 COUNCIL VICE PRESIDENT BERLINER:

10 Have you had any conversations with our Director of Economic Development with respect
11 to this?

12
13 JENNIFER BARRETT:

14 Not directly, no. What we're looking at is projects already in the CIP, and one in particular
15 in Silver Spring--the Live Nation project would be a possible...

16
17 COUNCIL VICE PRESIDENT BERLINER:

18 Oh, my favorite project is going to get the...

19
20 JENNIFER BARRETT:

21 Well, I'm sorry I mentioned it, but it is a good economic activity, and that particular kind of
22 bond can be used for private use. That's what's very unique there. Otherwise, I was
23 planning to issue taxable, which is more expensive debt, so that really is an opportunity.
24 As you can see in the volume cap allocation, second column --I'm sorry, third column from
25 the right--Montgomery County received about 35.5 million.

26
27 COUNCIL VICE PRESIDENT BERLINER:

28 So our total committed to--for Broward, I had said it was 100 million. Our total with respect
29 to those two forms of bonds, as I read it, is something on the order of \$59 million.

30
31 JENNIFER BARRETT:

32 That's right, and what we would propose to do is work with OMB and other departments
33 because I think a first priority would be where we already had a project that we were
34 planning to fund, and so this is a less expensive cost of borrowing. OK? Because if we
35 take on new projects, new debt service, even at a lower cost, is still a cost, and a
36 competition under our debt guideline, so that's something we would absolutely have to
37 take under consideration. So I would recommend--this will be part of our budgeting in the
38 Capital Budget, but we would recommend this be first toward things that we were already
39 going to incur debt for.

40
41 COUNCIL VICE PRESIDENT BERLINER:

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1 Thank you.

2
3 JENNIFER BARRETT:

4 I will note that we're also excited about the Build America bonds. They come in two forms,
5 both cash subsidy, where the federal government actually reimburses the jurisdiction for a
6 portion of its interest costs based on 35% of the interest rate payable on the bonds, or the
7 tax credit subsidy, which that market has not yet fully evolved. And there have been some
8 concerns about the cash subsidy and varying views out in the markets about how these
9 things will end up long-term being accepted in the marketplace. Some people think we're
10 going all tax credit eventually, but that is--remains to be seen. But those--right now, my
11 plan is that a portion of our fall GO issue would be in the form of Build America bonds, so
12 we are actively examining that option there. And then, of course, I do want to draw your
13 attention to the second--third one from the bottom of the page, the Qualified Energy
14 Conservation Bonds. In discussions with bond counsel, that would be the most likely kind
15 of bond funding that could be used for the Home Energy Loan Program. However, again,
16 there are some issues with structuring that, because I--they wouldn't be revenue bonds.
17 They'd count. There would be a cost to them, but they might be a way of taking out the
18 financing and relieving--and spreading it in the future, but we may still need some up-front
19 funding for that program. So that's one of the things that we're actively exploring, and
20 because of the 70% rate tax credit, that's a significantly lower cost of borrowing for that
21 particular form of bond. So--

22
23 COUNCIL VICE PRESIDENT BERLINER:

24 And you know the DEP, with respect to this program, has requested dollars for the up-
25 front of something on the order of \$1.5 million, so the combination of that cash and this
26 could go a long way.

27
28 JENNIFER BARRETT:

29 There's-- we'll be talking about it actively. There's other considerations in terms of how
30 much you go out on the bond issue for. That's not very large. We would probably need
31 some more to get the program going, but anyhow, this is--I'm happy to answer other
32 questions. A lot of information here, but we are actively working on looking at all of these.

33
34 COUNCIL VICE PRESIDENT BERLINER:

35 I thank you for that, and I appreciate that you're actively working on it. I do think it's
36 important that we take advantage of all of these sources of--all these opportunities, and
37 I'm glad you're doing so. Miss Ervin, I believe you're next.

38
39 COUNCILMEMBER ERVIN:

40 Yes. Thank you very much. First of all, thank you all for all your incredibly hard work,
41 which is very evident from this packet. I have just a couple of questions. I heard Hilda

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1 Solis speak on Saturday at a graduation, and she was talking about the percentage of
2 youth unemployed in the state of Maryland--somewhere around the number 22%, and it
3 gives me a lot of encouragement to look through the packet and see that there is going to
4 be a lot of focus on workforce investment, and that makes me very happy. I was talking to
5 some colleagues from Prince George's County recently, and I see on page 3 that the
6 packet talks about some challenges that the County has encountered, including the new
7 Buy American requirements. And I bring up Prince George's County because I understand
8 that there is some talks underway to--to produce a bill, I guess, through the County
9 Council on a Buy Local requirement, which I find very interesting, that while we are in a
10 situation while we have so many people unemployed in Montgomery County, if there were
11 any way we can track what they're doing in Prince George's County to see if it's
12 successful, where we take our Buy American to a Buy Local and sort of direct some of this
13 money to stay in the local economy, which I think would be a really good way for us to go.
14 So I can talk to you afterward if you want to take a look at what they're doing, but I think it
15 shows some promise. I don't know what--what's going to happen over there at Council. So
16 I wanted to bring that up to your attention, and I also want to follow up with what
17 Councilmember Floreen asked Marshall a few seconds ago about the way MCPS is using
18 its stimulus dollars, and it's my understanding that Marshall-- I don't know if he's still--
19 Where did he go? --is still around, but, Marshall, my understanding on the addition--that
20 you did actually add Head Start teachers because of the stimulus money. I just wanted to
21 be clear because we were briefed in the Education Committee about how these funds
22 were being dispersed, and it was my understanding that there were some additional
23 teachers, or will be additional teachers hired for those Head Start classes. Is that right?
24

25 MARSHALL SPATZ:

26 That's correct. The Title I money on ARRA-- when the Board did its amendment of the
27 budget in February, it included full-day Head Start at all the remaining Title I schools that
28 don't have it. So that--that is a crucial part of it. Now, the Title I application is still being put
29 together, so we don't have the details of the whole Title I program, but we will have the
30 full-day Head Start program in those additional--it's 13 additional sites.
31

32 COUNCILMEMBER ERVIN:

33 So those are 13 additional teachers...
34

35 MARSHALL SPATZ:

36 Correct. 13. Correct.
37

38 COUNCILMEMBER ERVIN:

39 ...that you had to hire. OK. And then my last question has to do with page 4 of the packet,
40 at the top of the page under the Home Weatherization Program--we're so excited that
41 HOC received the grant, and that's really great for the County. My question has to do with

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1 the MOU signed with the state to provide weatherization services. Does that mean there's
2 a contract that you've entered into that will provide the work for the weatherization
3 services? I'm trying to figure out what that means.

4
5 KATHLEEN BOUCHER:

6 OK. Steve-- I mean, Scott Reilly would be the best person to answer that, but I did want to
7 say, we share your excitement about that--that funding. It's gone from--and again, Scott
8 can speak to it--about 200,000 or so to 5 million, and we're just delighted with that funding,
9 and DHC--DHCA is ready, willing, and able to spend that money, and I talked to Rick
10 Nelson just yesterday. There is the potential for more funding under ARRA for this, and he
11 says he'll be first in line for additional funding, but Scott can speak to your question.

12
13 COUNCILMEMBER ERVIN:

14 Thank you.

15
16 COUNCIL VICE PRESIDENT BERLINER:

17 Even before Scott does, I'm sure you appreciate the governor was here. You were unable
18 to be there, but the governor was here to weatherize the first house in the state, and it
19 was in Montgomery County, and it was--

20
21 COUNCILMEMBER ERVIN:

22 It was in Wheaton.

23
24 COUNCIL VICE PRESIDENT BERLINER:

25 In Wheaton, in your district, and it was in our County in part because of the good work that
26 our County has done in this area for so long with so little dollars, so we are among those
27 that the state is looking to to be able to absorb this extraordinary exponential growth in
28 these badly needed dollars. And so it is very exciting.

29
30 COUNCILMEMBER ERVIN:

31 Right. Which is why I started my questions with the local economy, and so we have this
32 incredible opportunity with 5 million plus, and there may be much more coming. How do
33 we stimulate our local building and construction trades? Or that 22% unemployed youth--
34 how do we really work together to sort of make that circle stay together? And so if Scott
35 has an answer to that...

36
37 SCOTT REILLY:

38 A couple of questions there. I'm Scott Reilly, Chief Operating Officer, Department of
39 Housing and Community Affairs. The money comes to us through the state. It starts at the
40 Department of Energy, actually goes to the state--Maryland Department of Housing and
41 Community Development, and under this Memorandum of Understanding, is transmitted

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1 to the County. Now, we don't get it in a lump sum. It's reimbursable unit by unit. As we
2 complete a rehabilitation or weatherization on a unit, we then bill the state, and the monies
3 then come to us to pay to the contractors that-- that have worked on the job. So that's the
4 purpose of the Memorandum. It doesn't mean that we have money sitting in an account
5 someplace, but the state does, and we draw down against that. We are required to spend
6 the money within three years, but we plan on spending it much more quickly than that,
7 and then going back and saying, "OK, we've used the money that we've--we were
8 originally allocated under this Memorandum of Understanding. We'd like some more,
9 please." So we're looking forward to that. Right now, we're working with two
10 weatherization contractors, and the weatherization program is a little peculiar in that it
11 requires a certified staff person with the contractor who's experienced and certified in
12 weatherization. Our Department of General Services went out for expressions of interest
13 on that. We have two weatherization contractors, both fairly good size, one locally here in
14 Rockville--Rockville Window and Door--and one out of Baltimore, the Jackson Company,
15 that's already working on these. In fact, the one that the governor was in attendance at the
16 kickoff of is just about finished, so we're--

17
18 COUNCIL VICE PRESIDENT BERLINER:

19 That was the Rockville company.
20

21 SCOTT REILLY:

22 That was Rockville Window and Door Company. We are making it known that we're going
23 to need more weatherization contractors, and in fact, we are sending our single-family
24 rehabilitation staff out to be trained so that they can become certified in supervising crews,
25 in addition to the two that we have under contract already. Part of that is going to be
26 advertising these opportunities to residents of Housing Opportunities Commission
27 developments through--through our other community network, that the business is going
28 to be there. Right now, the funding that we have in house is going to support about 700
29 units, and we have almost 600 that have been referred to us by the Maryland Energy
30 Assistance Program from HHS. So we have the money available, we have the backlog of
31 houses to be weatherized, and we have right now a good place to start with our existing
32 contractors, but we need to beef that up. and I appreciate your support for using that as
33 an economic development tool.
34

35 COUNCILMEMBER ERVIN:

36 Thank you.
37

38 COUNCIL VICE PRESIDENT BERLINER:

39 We've been joined by Director Silverman at the table. Why don't you share your thoughts
40 with us, sir, because part of what we wanted to make sure was that when we got this

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1 influx of dollars, that we had a County-wide strategy that would in fact achieve much of the
2 goals that my colleague has articulated.

3
4 STEVE SILVERMAN:

5 Thank you, Councilmember Berliner. Steve Silverman, DED. Absolutely the County
6 Executive is very interested in looking at every dollar that comes across the transom,
7 through whatever method, to make sure that we are continuing and beefing up our efforts
8 to see that these federal dollars are utilized as best possible by Montgomery County
9 businesses in carrying out the work. We actually met with Rick Nelson to discuss the
10 weatherization program. It's our understanding that there were six bidders, four of whom
11 were knocked out of the box right away because they did not have the certification, so
12 we're working with DHCA on that issue. Montgomery College is going to be one of the
13 trainers. There are five community colleges around the country that--around the country.
14 Around the state that will start training programs, we've been told by the college probably
15 no later than the end of July, first week of August, so that there will be more companies
16 that will be able to participate in the bidding process. And we're also looking at much more
17 extensive outreach to make sure that, for example, we've got a lot of home improvement
18 contractor companies in this County, who I know are struggling. I know because I get
19 solicited all the time to do my windows. But they're struggling, and we want to make sure
20 that they're aware that the training programs are available and that they will have an
21 opportunity to bid the next time the process goes out. And correct me if I'm wrong, Scott--
22 see you all the way at the other end--these contracts are--I'm not sure what the right term
23 -- is, but they're not committed contracts. In other words, it isn't that Contractor X is getting
24 500 houses to do. It doesn't work that way. So there's an opportunity even with the drive
25 to spend the monies faster and faster to be able to get more, to be able to get some--a
26 broader group of Montgomery County businesses trained, qualified to be able to bid on
27 this so that there will be a shot at them. We, of, course have nothing against Baltimore
28 County, but we would like to make sure that anybody who wants to have a crack at this
29 from a Montgomery County business standpoint does.

30
31 ANNIE ALSTON:

32 Councilmember Berliner, I have one comment as it relates to the need on the housing
33 side. HOC has identified several hundred housing units who could benefit from this
34 particular program, which translates into about \$1.1 million of need, so it's just a matter of
35 getting workers lined up, identified, and do know that we intend, or would like, to take
36 advantage of a good portion of the \$5 million that's available because you're dealing with
37 people of low income who have exorbitant utility bills, and we see this as a tremendous
38 opportunity to improve the quality of housing but also help those families who are most
39 vulnerable and are in need at this time.

40
41 COUNCIL VICE PRESIDENT BERLINER:



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1 Appreciate your comment in that regard, and my understanding, as well, is that the
2 Department of Environmental Protection has included a significant chunk of change for
3 you with respect to the Energy Efficiency Block Grant dollars that we're getting. The \$5
4 million, I believe you're getting something on the order of a half a million dollars with
5 respect to that allocation, for precisely that purpose. So I do believe your needs are being
6 attended to, as well they should be. Before I turn to Councilmember Navarro, I wanted to
7 follow up briefly on Councilmember Ervin's point, because we have the Director of
8 Economic Development here, and I could not let go the notion of our investing in our local
9 businesses, given that we had a meeting just yesterday with respect to the need to help
10 our small businesses in Montgomery County, and that we have an opportunity, I hope, to
11 help our small businesses by investing and by depositing our County dollars in local
12 banks. Right now, we deposit, I believe, all of our hundreds of millions of dollars in PNC
13 Pittsburgh. No? It's not Pittsburgh?

14
15 JENNIFER BARRETT:

16 Not only.
17

18 COUNCIL VICE PRESIDENT BERLINER:

19 Not only. OK. Mr. Silverman, you might want to be briefed by Miss Barrett with respect to
20 that, but basically, we do not, in this moment, use our incredible resources to fund our
21 local banks, who, in turn, 95% of their activity is lending dollars to local small businesses.
22 So we are engaged in a serious conversation in this moment as to how we can leverage
23 our incredible economic activity in a manner that flows those dollars, hopefully to our local
24 banks, who, in turn, could make that available to our local small businesses. Mr.
25 Silverman, would you care to comment?

26
27 STEVE SILVERMAN:

28 Just very briefly. Thank you. We appreciate your leadership on this, Councilmember
29 Berliner. We are--have had extensive discussions with the community banks to
30 understand what the different options are that are available. Not to prejudge where we
31 might end up, except that we think we'll probably be in a position within a few weeks to
32 know more specifics, but there are completely safe vehicles for investment of County
33 dollars in local community banks. There are programs, national programs, that we can
34 participate in, and we're in the process of trying to figure out how that would work, what
35 the parameters would be, and to also pick up on your point, our discussions with the
36 community banks are that if we do allocate monies through a program with the community
37 banks, that while we cannot specifically tie those dollars to specific loans or loan
38 programs, that since 95% of their dollars that they loan out do go to Montgomery County
39 businesses, that they'll be of benefit, even without having to create some type of legalistic
40 nexus. So I think we're all working towards the same goal, and I would expect we'd be in a
41 position to have something more definitive in a few weeks on that.

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1
2 COUNCIL VICE PRESIDENT BERLINER:

3 I appreciate your work with respect to that. Let me turn to Councilmember Navarro, who
4 has been waiting so patiently.

5
6 COUNCILMEMBER NAVARRO:

7 Not a problem. I'm very patient. Thank you so much for this briefing and for all the work
8 that's gone on so far. I know that it hasn't been necessarily very clear how to go about this
9 process, so I want to thank you for all the effort. And I happen to have been a member of
10 the Board of Education when we had to act on the portion that went to Montgomery
11 County Public Schools, and so I'm aware that in that particular case, it was much more
12 prescriptive, and so it was, in a certain sense, easier to allocate. But also, it was really a
13 matter of taking care of, you know, issues, of cuts, et cetera, and restoring a lot of that,
14 so... So I guess my question, or my comment and request, is more regarding a
15 comprehensive approach, and hopefully, when we then have to make decisions about
16 next year's budget, whether through CountyStat, are we going to--meaning the Council--
17 are we going to have a clear picture in terms of, you know, what the priorities were from
18 the very beginning, where did it lead us, and as we're making decisions for budget, have
19 we gained any insight into how these dollars, as they've been invested, have taken us into
20 a different direction so that we can maybe prioritize where we want to go? So in other
21 words, you know, we did not anticipate that we were going to be here. We have these
22 dollars. We're investing them. We have certain indicators as to where to invest, but for
23 next year and beyond, where we may be facing other cuts, will CountyStat or would any
24 analysis that you will provide give us some guidance in terms of what we might be able to
25 keep or, you know, do without, et cetera. Because I know for the school system--I
26 understand that process better, but since I'm the newest Councilmember, just wondering if
27 this is something that's built into CountyStat or any other mechanism.

28
29 CHRIS SIHLAR:

30 I think one thing that we are working on right now with OMB, we have come up with a way
31 to at least map the general programs to outcome measures that are at the high-level
32 headline measure piece. We certainly can take the stimulus money and any other funds
33 that come into the County and figure--again, department by department, and figure out
34 how to map them to actual headline measures and outcome measures. It's a work in
35 progress. I mean, it's something that takes a long time--to actually be able to see
36 programmatic outcomes, but it is something we are working on.

37
38 COUNCILMEMBER NAVARRO:

39 That would be great, because I think in general, you know, there's always discussion out
40 there in the community about how do we go--what is our process in terms of evaluating,
41 you know, what's working and not, and everybody always wants to talk about realignment

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1 and efficiencies, et cetera. But with this influx, I think there's also an opportunity to best
2 understand--I mean, there may be things that we're forcing to cut next year, but things that
3 we're able to restore, you know, if they have a high impact in terms of how we've been
4 utilizing it, do we want to maintain that for next year to come and let go of other things? So
5 in some ways, I think, for some people, they get nervous about this money because it
6 might mean some issues around sustainability, but I think it also opens up opportunities
7 for us to see how a certain investment at this particular time may be worth continuing in a
8 different way and, you know, doing without other things. So I'm just saying, in terms of,
9 you know, what you just described, I think it would be great to do an analysis separately
10 just for these particular monies and see if we gain any insight for future decisions.

11
12 CHRIS SIHLAR:

13 We can certainly look into--into figuring how that would actually best be accomplished.

14
15 COUNCIL PRESIDENT ANDREWS:

16 OK. Thank you, Councilmember Navarro, and thank you all for the presentation. I want to
17 mention that the Council met this morning with Congressman Roscoe Bartlett, and one of
18 the issues we spoke about was stimulus funding and opportunities there, and he
19 expressed interest in continuing to work with the County on--on finding out what
20 opportunities there are and securing funding for initiatives that benefit the people of
21 Montgomery County. So I wanted to just pass that along, since we are one of the few
22 counties that has three members of Congress, and we want to--and we've met with all
23 three now in the last few weeks and want to work as closely as possible with them to stay
24 on top of opportunities for good projects that can benefit from the federal stimulus.

25
26 KATHLEEN BOUCHER:

27 We take all the help we can get, and we have a terrific Congressional delegation that has
28 been very helpful.

29
30 COUNCIL PRESIDENT ANDREWS:

31 We do. Very good. Are there any other questions or comments from my colleagues? No, I
32 don't see any others. Well, anything else you wanted to say?

33
34 KATHLEEN BOUCHER:

35 Thank you very much.

36
37 COUNCIL PRESIDENT ANDREWS:

38 All right. Thank you.